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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee*

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I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-item 69 (c) at its 22nd to 33rd and 36th meetings, from 21 to 23 and 26 to 28 October and on 2 November 2009, and took action on sub-item (b) at its 40th to 47th meetings, on 10, 12, 19, 20, 23 and 24 November 2009. An account of the Committee's consideration is contained in the relevant summary records (A/C.3/64/SR.22-33, 36 and 40-47).

3. For the documents before the Committee under this sub-item, see A/64/439.

4. At the 22nd meeting, on 21 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of Chile, Colombia, the Sudan, China, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Liechtenstein, Morocco, New Zealand, Egypt, Malaysia, Maldives, Mexico, the United States of America, the United Kingdom of Great Britain and Northern

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Ireland, the Syrian Arab Republic, Pakistan, Iran (Islamic Republic of), Cuba, Benin, Australia and India, as well as the observer for Palestine (see A/C.3/64/SR.22).

5. At the same meeting, the Special Adviser to the Secretary-General made a statement after which the Committee engaged in a dialogue with the Special Adviser and the representatives of Myanmar, Japan, New Zealand, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Chile, the United States and Australia (see A/C.3/64/SR.22).

6. At the 23rd meeting, on 21 October, the Chairperson of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families made a presentation and engaged in a dialogue with the representatives of the Philippines and Iran (Islamic Republic of) (see A/C.3/64/SR.23).

7. At the same meeting, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health made a presentation and engaged in a dialogue with the representatives of Australia, Chile, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Cuba, Canada, Switzerland, Malaysia, South Africa, Brazil and India (see A/C.3/64/SR.23).

8. Also at the 23rd meeting, the Special Rapporteur on the right to food made a presentation and engaged in a dialogue with the representatives of Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Cuba, Ireland, Brazil, Lesotho, Argentina, Malaysia, China, the United States and Guatemala; the representative of the European Commission also took part in the dialogue, as well as the representatives of the World Intellectual Property Organization and the Food and Agriculture Organization of the United Nations (see A/C.3/64/SR.23).

9. At the 24th meeting, on 22 October, the Special Rapporteur on the situation of human rights in Myanmar made a presentation and engaged in a dialogue with the representatives of Myanmar, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Switzerland, Australia, the Czech Republic, Maldives, the United Kingdom, Japan, the United States, Argentina, Canada and New Zealand (see A/C.3/64/SR.24).

10. At the same meeting, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a presentation and engaged in a dialogue with the representatives of the Democratic People's Republic of Korea, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Australia, Japan, the United Kingdom, the United States, the Republic of Korea, Norway and Canada (see A/C.3/64/SR.24).

11. Also at the 24th meeting, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 made a presentation and engaged in a dialogue with the representatives of the United States, Iran (Islamic Republic of), Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Egypt, Maldives and the Syrian Arab Republic, as well as the observer for Palestine (see A/C.3/64/SR.24).

12. At the 25th meeting, on 22 October, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and

other business enterprises made a presentation and engaged in a dialogue with the representatives of Norway, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Canada, Chile, Malaysia, the United States, Cameroon, India, South Africa and Guatemala; the representative of the European Commission also took part (see A/C.3/64/SR.25).

13. At the same meeting, the Special Rapporteur on the independence of judges and lawyers made a presentation and engaged in a dialogue with the representatives of Chile, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Switzerland, Brazil and New Zealand (see A/C.3/64/SR.25).

14. At the 26th meeting, on 23 October, the Special Rapporteur on freedom of religion or belief made a presentation and engaged in a dialogue with the representatives of Switzerland, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Chile, Jordan, Canada, New Zealand, the United States, Serbia, India, Qatar, Ethiopia, Egypt and Malaysia, as well as the observer for the Holy See (see A/C.3/64/SR.26).

15. At the same meeting, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living made a presentation and engaged in a dialogue with the representatives of Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Brazil, Maldives, South Africa and the United States (see A/C.3/64/SR.26).

16. Also at the 26th meeting, the Independent Expert on the question of human rights and extreme poverty made a presentation and engaged in a dialogue with the representatives of Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Lesotho, Brazil and China (see A/C.3/64/SR.26).

17. At the 27th meeting, on 23 October, the Special Rapporteur on violence against women, its causes and consequences made a presentation and engaged in a dialogue with the representatives of Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Egypt, New Zealand, Switzerland, the Syrian Arab Republic, Norway, Israel, Canada, Guatemala, Australia, Liechtenstein, the United States and Ecuador (see A/C.3/64/SR.27).

18. At the same meeting, the Special Rapporteur on trafficking in persons, especially women and children made a presentation and engaged in a dialogue with the representatives of Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Yemen, Chile, Egypt, the United States, Australia, the Philippines, South Africa, Thailand and Belarus; the representative of the International Organization for Migration also took part (see A/C.3/64/SR.27).

19. Also at the 27th meeting, the Special Rapporteur on the situation of human rights defenders made a presentation and engaged in a dialogue with the representatives of Switzerland, Canada, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), the United States, Ireland, the United Kingdom, Australia, Cuba, India and Chile (see A/C.3/64/SR.27).

20. At the 28th meeting, on 26 October, the Representative of the Secretary-General on the human rights of internally displaced persons made a presentation and engaged in a dialogue with the representatives of Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Switzerland, Côte d'Ivoire, Chile, Norway, the United States, the United Kingdom, Liechtenstein, Austria, Brazil, Serbia, Sri Lanka, Canada, the Syrian Arab Republic and Ethiopia; the observer for the International Committee of the Red Cross also participated (see A/C.3/64/SR.28).

21. At the same meeting, the Special Rapporteur on the human rights of migrants made a presentation and engaged in a dialogue with the representatives of Iran (Islamic Republic of), Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Mexico, Peru and Guatemala (see A/C.3/64/SR.28).

22. Also at the 28th meeting, the Special Rapporteur on the promotion and protection of human rights while countering terrorism made a presentation and engaged in a dialogue with the representatives of the United Republic of Tanzania (on behalf of the States Members of the United Nations that are members of the Group of African States), Saint Lucia, Malaysia (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference), the Sudan (on behalf of the Group of Arab States), the United States, Australia, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Argentina, Finland, Switzerland, Uruguay, Canada, the Netherlands, the United Kingdom, India, Mexico, Chile, Norway and Cuba, as well as the observers for the Holy See and Palestine (see A/C.3/64/SR.28).

23. At the 36th meeting, on 2 November, the Deputy High Commissioner for Human Rights delivered an oral report on behalf of the Chairperson of the Working Group on the right to development (see A/C.3/64/SR.36).

II. Consideration of proposals

A. Draft resolutions A/C.3/64/L.26 and Rev.1

24. At the 41st meeting, on 12 November, the representative of the United States of America, on behalf of Albania, Andorra, Argentina, Australia, Canada, Colombia, Costa Rica, the Czech Republic, Guatemala, Honduras, Indonesia, Japan, Liechtenstein, Monaco, New Zealand, Panama, Peru, the Republic of Korea, the Republic of Moldova, Romania, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States, introduced a draft resolution entitled "Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization" (A/C.3/64/L.26). Subsequently, Benin, Bosnia and Herzegovina, Botswana, Bulgaria, Chile, Croatia, the Dominican Republic, El Salvador, Estonia, Haiti, Hungary, Italy, Latvia, Luxembourg, Malawi, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Norway, the Philippines, Seychelles, the former Yugoslav Republic of Macedonia and Zambia joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* its previous resolutions on the subject, in particular resolution 62/150 of 18 December 2007,

"*Reaffirming* that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

"*Noting with satisfaction* that increasing numbers of Member States are using elections as a peaceful means of discerning the will of the people, which builds confidence in representational governance and contributes to greater national peace and stability,

"*Recalling* the Universal Declaration of Human Rights, adopted on 10 December 1948, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right freely to choose representatives through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

"*Reaffirming* the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination, in particular that citizens have the right to vote and to participate in genuine periodic elections,

"*Stressing* the importance, generally and in the context of promoting fair and free elections, of respect for the freedom to seek, receive and impart information, and noting, in particular, the fundamental importance of access to information, and media freedom,

"*Recognizing* the need for strengthening democratic processes, electoral institutions and national capacity-building, including the capacity to administer fair elections, promote women's participation on equal terms with men, increase citizen participation and provide civic education, in requesting countries in order to consolidate and regularize the achievements of previous elections and support subsequent elections,

"*Noting* the importance of ensuring orderly, open, fair and transparent democratic processes that preserve the right of peaceful assembly,

"*Noting further* the role that the international community could play in creating conditions which could foster stability and security throughout the election and post-election period,

"*Reiterating* that transparency is a fundamental basis for free and fair elections, which contribute to the accountability of leaders to their citizens, which, in turn, is an underpinning of democratic societies,

"*Acknowledging* in this regard the importance of international election observation for the promotion of free and fair elections, and its contribution to enhancing the integrity of election processes, to promoting public confidence and electoral participation and to mitigating the potential for election-related conflict,

"*Welcoming* the support provided by Member States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts, including electoral commission staff, and observers, as well as through contributions to the United Nations Trust Fund for Electoral Assistance, the Democratic Governance Thematic Trust Fund and the United Nations Democracy Fund,

"*Emphasizing* that electoral assistance, particularly the provision of electoral technology, ought to be sustainable and cost-effective,

"*Recognizing* the increase in actors involved in electoral assistance both inside and outside the United Nations,

"*Welcoming also* the contributions made by international and regional organizations and also by non-governmental organizations to enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,

"*Having considered* the report of the Secretary-General,

"1. *Welcomes* the report of the Secretary-General;

"2. *Commends* the electoral assistance provided upon request to Member States by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the evolving needs of requesting countries to develop, improve and refine their electoral institutions and processes, recognizing that the fundamental responsibility for organizing free and fair elections lies with Governments;

"3. *Requests* the Under-Secretary-General for Political Affairs, in his role as United Nations focal point for electoral assistance matters, to continue to inform Member States regularly about the requests received and the nature of any assistance provided;

"4. *Requests* that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, including the provision of long-term technical cooperation, that conditions exist to allow a free and fair election and that the results of the mission will be reported comprehensively and consistently;

"5. *Recommends* that, throughout the time span of the entire electoral cycle, including before and after elections, as appropriate, based on a needs assessment that takes into account sustainability and cost-effectiveness, the United Nations continue to provide technical advice and other assistance to requesting States and electoral institutions in order to help to strengthen their democratic processes;

"6. *Notes with appreciation* the additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and needs-specific responses to requests for electoral assistance, encourages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in their reporting on electoral processes, and expresses its appreciation to those Member States, regional

organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

"7. *Encourages* relevant actors to join the emerging consensus surrounding the Declaration of Principles for International Election Observation, which aim to harmonize the methods and standards of the many intergovernmental and non governmental organizations engaged in observing elections;

"8. *Recalls* the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Assistance, and, bearing in mind that the Fund is currently close to depletion, calls upon Member States to consider contributing to the Fund;

"9. *Encourages* the Secretary-General, through the United Nations focal point for electoral assistance matters and with the support of the Electoral Assistance Division of the Department of Political Affairs of the Secretariat, to continue responding to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular by enhancing the capacity of national electoral institutions;

"10. *Requests* the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate, including to enhance the accessibility and diversity of the roster of electoral experts and the Organization's electoral institutional memory, and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Division, to the numerous and increasingly complex and comprehensive requests from Member States for advisory services;

"11. *Reiterates* the need for ongoing comprehensive coordination, under the auspices of the United Nations focal point for electoral assistance matters, between the Electoral Assistance Division and the United Nations Development Programme and the Department of Peacekeeping Operations and the Department of Field Support of the Secretariat to ensure coherence of United Nations electoral assistance, and encourages further engagement of the Office of the High Commissioner and other relevant United Nations agencies in this context;

"12. *Requests* the United Nations Development Programme to continue its democratic governance assistance programmes in cooperation with other relevant organizations, in particular those that strengthen democratic institutions and linkages between civil society and Governments;

"13. *Reiterates* the importance of reinforced coordination within and outside the United Nations system, and reaffirms the role of the United Nations focal point for electoral assistance in ensuring system-wide coherence and consistency and in strengthening the institutional memory and the development and dissemination of electoral policies;

"14. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance, and on his efforts to enhance support by the Organization for the democratization process in Member States."

25. At its 46th meeting, on 23 November, the Committee had before it a revised draft resolution entitled "Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization" (A/C.3/64/L.26/Rev.1), submitted by Albania, Andorra, Argentina, Australia, Benin, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, the Czech Republic, the Dominican Republic, El Salvador, Estonia, France, Guatemala, Haiti, Hungary, Honduras, India, Indonesia, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Malawi, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, the Netherlands, New Zealand, Norway, Panama, Peru, the Philippines, the Republic of Korea, the Republic of Moldova, Romania, Seychelles, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America and Zambia. Subsequently, Austria, Belgium, Cape Verde, the Comoros, Cyprus, the Democratic Republic of the Congo, Denmark, Equatorial Guinea, Finland, Germany, Greece, Iceland, Ireland, Israel, Lebanon, Lesotho, Lithuania, Madagascar, Mali, Malta, Namibia, Nigeria, Poland, Portugal, San Marino, Serbia, Slovakia, Spain, Sri Lanka, Thailand, Ukraine and Uruguay joined in sponsoring the revised draft resolution.

26. At the same meeting, the representative of the United States orally revised the draft resolution as follows:

(a) In the ninth preambular paragraph, the words "such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" were deleted after the words "without distinction of any kind";

(b) In the thirteenth preambular paragraph, the words "in particular" were deleted before the words "in transitional and post-conflict situations";

(c) In the fifteenth preambular paragraph, the words "in requesting countries," were inserted after the words "integrity of election processes".

27. Also at the same meeting, the representative of the Russian Federation moved, in accordance with rule 129 of the rules of procedure, for a separate vote on the second part of operative paragraph 8 of the draft resolution, which read:

"and in this regard expresses appreciation for the Declaration of Principles for International Election Observation and the Code of Conduct for International Observers, which elaborate guidelines for international electoral observation".

28. At the same meeting, the Committee retained the second part of operative paragraph 8 by a recorded vote of 121 to 19, with 28 abstentions. The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia,

Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Samoa, San Marino, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Belarus, Bolivia (Plurinational State of), Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Iran (Islamic Republic of), Malaysia, Myanmar, Nicaragua, Russian Federation, Singapore, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Algeria, Angola, Bahrain, Cameroon, Djibouti, Ethiopia, Gambia, Ghana, Jordan, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Mauritania, Mozambique, Oman, Pakistan, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, South Africa, Sri Lanka, Swaziland, Tunisia, United Arab Emirates, Uzbekistan.

29. A procedural discussion followed in which the representatives of Egypt, the Russian Federation and the United States made statements, to which the Secretary replied (see A/C.3/64/SR.46).

30. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/64/L.26/Rev.1, as orally revised, without a vote (see para. 110, draft resolution I).

31. After the adoption of the draft resolution, statements were made by the representatives of Cuba, Iran (Islamic Republic of), Egypt, the Libyan Arab Jamahiriya and Venezuela (Bolivarian Republic of) (see A/C.3/64/SR.46).

B. Draft resolution A/C.3/64/L.27

32. At the 40th meeting, on 10 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference, Belarus and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Combating defamation of religions" (A/C.3/64/L.27).

33. At the 42nd meeting, on 12 November, the representative of Malaysia orally revised the draft resolution as follows:

(a) In the seventh preambular paragraph, the word "serious" was inserted after the word "Expressing";

(b) In the sixteenth preambular paragraph, the words "the second forum of the Alliance, held in Istanbul, Turkey, on 6 and 7 April 2009" were replaced with the words "its first forum in Spain in 2008, its second forum in Turkey in 2009";

(c) In the twenty-third preambular paragraph, the words "interface between religion and race" were replaced by the words "intersection of religion and race";

(d) In operative paragraph 1, the words "and the conclusions contained therein" were deleted at the end of the paragraph;

(e) After operative paragraph 11, a new paragraph was inserted, reading:

"12. *Takes note* of the work undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in accordance with their mandates defined by the Human Rights Council in its resolutions 7/34 and 7/36 of 28 March 2008";

(f) After operative paragraph 17 (former para. 16), a new paragraph was inserted, reading:

"18. *Recognizes* that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence";

(g) Operative paragraph 27 (former para. 25), which read:

"25. *Requests* the Secretary-General to submit a report on the implementation of the present resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world, to the General Assembly at its sixty-fifth session";

was replaced by:

"27. *Requests* the Secretary-General to submit a report on the implementation of the present resolution, including the correlation between defamation of religions and the intersection of religion and race, the upsurge in incitement, intolerance and hatred in many parts of the world and steps taken by States to combat this phenomenon, to the General Assembly at its sixty-fifth session".

34. Also at its 42nd meeting, the Committee adopted draft resolution A/C.3/64/L.27, as orally revised, by a recorded vote of 81 to 55, with 43 abstentions (see para. 110, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brunei Darussalam, Cambodia, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Guinea,

Guinea-Bissau, Guyana, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Albania, Argentina, Armenia, Bahamas, Belize, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Costa Rica, Democratic Republic of the Congo, Ecuador, Fiji, Ghana, Grenada, Guatemala, India, Jamaica, Japan, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mongolia, Namibia, Nepal, Papua New Guinea, Paraguay, Peru, Rwanda, Saint Lucia, Solomon Islands, Sri Lanka, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Zambia.

35. Before the vote, statements were made by the representatives of Sweden (on behalf of the States Members of the United Nations that are members of the European Union), the United States and India; after the vote, statements were made by the representatives of Brazil, Singapore, Colombia, Jamaica and Albania (see A/C.3/64/SR.42).

C. Draft resolution A/C.3/64/L.28

36. At the 40th meeting, on 10 November, the representative of Cuba, on behalf of Angola, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Burundi, Cameroon, China, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Honduras, Indonesia, Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Malaysia, Myanmar, Nicaragua, Nigeria, Pakistan, Paraguay, the Russian Federation, the Sudan, Venezuela (Bolivarian Republic of), Uzbekistan, Viet Nam and Zimbabwe, introduced a draft resolution entitled "Promotion of a democratic and equitable international order" (A/C.3/64/L.28). Subsequently, Algeria, Botswana, Burkina Faso, the Comoros, the Congo, the Democratic Republic of the Congo, Ghana, Lebanon Lesotho, Madagascar, Mali, Seychelles, Sierra Leone, Solomon Islands, Swaziland, the Syrian Arab Republic and Zambia joined in sponsoring the draft resolution.

37. At its 43rd meeting, on 19 November, the Committee adopted draft resolution A/C.3/64/L.28 by a recorded vote of 121 to 54, with 5 abstentions (see para. 110, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Chile, Mexico, Peru.

38. Before the vote, a statement was made by the representative of Sweden, on behalf of the States Members of the United Nations that are members of the European Union (see A/C.3/64/SR.43).

D. Draft resolution A/C.3/64/L.29

39. At the 40th meeting, on 10 November, the representative of Cuba, on behalf of Algeria, Angola, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Burundi, Cambodia, Cape Verde, the Central African Republic, China, the Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ecuador, Egypt, Eritrea, Ethiopia, Guinea-Bissau, Honduras,

Indonesia, Iran (Islamic Republic of), Kenya, the Lao People's Democratic Republic, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mauritania, Mozambique, Myanmar, Nicaragua, the Niger, Nigeria, Pakistan, the Russian Federation, Qatar, Saint Lucia, Saint Vincent and the Grenadines, the Sudan, the Syrian Arab Republic, Turkmenistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity" (A/C.3/64/L.29).

40. Subsequently, Botswana, Burkina Faso, Cameroon, Colombia, the Comoros, the Dominican Republic, Ghana, Lesotho, Mali, Namibia, Rwanda, Saint Kitts and Nevis, Seychelles, Sierra Leone, Solomon Islands, the United Republic of Tanzania and Zambia joined in sponsoring the draft resolution.

41. At its 43rd meeting, on 19 November, the Committee adopted draft resolution A/C.3/64/L.29 without a vote (see para. 110, draft resolution IV).

E. Draft resolutions A/C.3/64/L.30 and Rev.1

42. At the 40th meeting, on 10 November, the representative of Cuba, on behalf of Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Burundi, Cameroon, Cape Verde, Chad, Chile, China, the Congo, Côte d'Ivoire, Croatia, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Dominica, the Dominican Republic, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, the Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Japan, Jordon, Kenya, Kuwait, the Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Monaco, Montenegro, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, the Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Portugal, Qatar, the Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Sierra Leone, Somalia, Sri Lanka, the Sudan, Suriname, Switzerland, the Syrian Arab Republic, Timor-Leste, Togo, Tuvalu, Uganda, the United Arab Emirates, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "The right to food" (A/C.3/64/L.30).

43. Subsequently, the Bahamas, Belize, the Comoros, Costa Rica, Cyprus, Italy, Jamaica, Norway, the Philippines, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Trinidad and Tobago and Yemen joined in sponsoring the draft resolution, which read:

> "*The General Assembly*,
>
> "*Reaffirming* all previous resolutions and decisions on the right to food adopted within the framework of the United Nations,

"*Recalling* the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015,

"*Recalling also* the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

"*Bearing in mind* the Rome Declaration on World Food Security and the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,

"*Reaffirming* the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

"*Reaffirming also* that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

"*Reaffirming further* that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

"*Reiterating*, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

"*Convinced* that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

"*Recognizing* the complex character of the global food crisis, in which the right to adequate food is threatened to be violated on a massive scale, as a combination of several major factors, such as the global financial and economic crisis, environmental degradation, desertification and global climate change, as well as natural disasters and the lack of the appropriate technology necessary in many countries to confront its impact, particularly in developing countries, least developed countries and small island developing States,

"*Resolved* to act to ensure that the human rights perspective is taken into account at the national, regional and international levels in measures to address the current global food crisis,

"*Expressing its deep concern* at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

"*Stressing* the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

"*Recognizing* that guaranteeing food security and the right to food requires, inter alia, agrobiodiversity, including the protection and preservation of crop genetic diversity,

"*Recognizing also* the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

"*Taking note* of the final Declaration adopted at the International Conference on Agrarian Reform and Rural Development of the Food and Agriculture Organization of the United Nations in Porto Alegre, Brazil, on 10 March 2006,

"*Acknowledging* the High-level Task Force on the Global Food Security Crisis established by the Secretary-General, and supporting the Secretary-General in his continuing efforts in this regard, including continued engagement with Member States and the Special Rapporteur of the Human Rights Council on the right to food,

"1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

"2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

"3. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 do so from hunger related illness, and that, as estimated by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished has grown to about 1.02 billion worldwide, including as a result of the global food crisis, while, according to the latter organization, the planet could produce enough food to feed everyone around the world;

"4. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender

inequality and discrimination, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases and that it is estimated that almost twice as many women as men suffer from malnutrition;

"5. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

"6. *Encourages* the Special Rapporteur of the Human Rights Council on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

"7. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive of and accessible to persons with disabilities;

"8. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

"9. *Recognizes* the advances reached through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

"10. *Stresses* that improving access to productive resources and public investment in rural development are essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

"11. *Recognizes* that 80 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element for food security and the provision of the right to food;

"12. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public

policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;

"13. *Urges* States that have not yet done so to become parties to the Convention on Biological Diversity and to consider becoming States Parties to the International Treaty on Plant Genetic Resources for Food and Agriculture as a matter of priority;

"14. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face for the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

"15. *Notes* the need to further examine various concepts such as, inter alia, 'food sovereignty' and their relation with food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times;

"16. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

"17. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

"18. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

"19. *Calls for* the early conclusion and a successful, development oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions that permit the full realization of the right to food;

"20. *Stresses* that all States should make all efforts to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

"21. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

"22. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

"23. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

"24. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

"25. *Stresses* the importance of international cooperation and development assistance, both as an effective contribution to the expansion and improvement of agriculture and its environmental sustainability, food production, breeding projects on diversity of crops and livestock, institutional innovations such as community seed banks, farmer field schools and seed fairs, as well as to the provision of humanitarian food assistance in activities related to emergency situations, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

"26. *Also stresses* that States parties to the World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights should consider implementing that agreement in a manner supportive of food security, while mindful of the obligation of Member States to promote and protect the right to food;

"27. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

"28. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

"29. *Takes note with appreciation* of the interim report of the Special Rapporteur;

"30. *Supports* the realization of the mandate of the Special Rapporteur, as extended by the Human Rights Council in its resolution 6/2 of 27 September 2007;

"31. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

"32. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

"33. *Recalls* General Comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;

"34. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

"35. *Welcomes* the continued cooperation of the High Commissioner, the Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

"36. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

"37. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fifth session on the implementation of the present resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

"38. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors and non-governmental

organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

"39. *Decides* to continue the consideration of the question at its sixty-fifth session under the item entitled 'Promotion and protection of human rights'."

44. At its 44th meeting, on 19 November, the Committee had before it a revised draft resolution submitted by Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, the Comoros, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Dominica, the Dominican Republic, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, the Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Maldives, Malaysia, Mali, Mauritania, Mauritius, Monaco, Montenegro, Mozambique, Myanmar, Namibia, Nepal, the Netherlands, Nicaragua, the Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, the Philippines, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Slovenia, Spain, Solomon Islands, Somalia, South Africa, Sri Lanka, the Sudan, Suriname, Swaziland, Switzerland, the Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, the United Arab Emirates, the United Kingdom, the United Republic of Tanzania, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe, entitled "The right to food" (A/C.3/64/L.30/Rev.1). Subsequently Botswana, Burkina Faso, the Central African Republic, Malta, Morocco, Nauru, Saint Kitts and Nevis and Turkmenistan joined in sponsoring the revised draft resolution.

45. At the same meeting, the representative of Cuba orally revised the draft resolution.

46. Also at the 44th meeting, the Committee adopted draft resolution A/C.3/64/L.30/Rev.1, as orally revised, without a vote (see para. 110, draft resolution V).

47. After the adoption of the draft resolution, statements were made by the representatives of Argentina, Canada, Colombia, the United States, Sweden (on behalf of the States Members of the United Nations that are members of the European Union) and Finland (see A/C.3/64/SR.44).

F. Draft resolution A/C.3/64/L.31

48. At the 40th meeting, on 10 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Botswana, Burundi, Cameroon, Cape Verde, the Central African Republic, China, the Comoros, the Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, the Gambia, Guinea, Guinea-Bissau, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lebanon, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Nicaragua, the Niger, Nigeria, Oman, Pakistan, the Philippines, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Somalia, South Africa, Sri Lanka, the Sudan, Suriname, Swaziland, the Syrian Arab Republic, Uganda, the United Arab Emirates, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe, introduced a draft resolution entitled "Globalization and its impact on the full enjoyment of all human rights" (A/C.3/64/L.31). Subsequently, Antigua and Barbuda, Burkina Faso, Chad, Ghana, Grenada, Lesotho, Namibia, Senegal, Tunisia and Uzbekistan joined in sponsoring the draft resolution.

49. At its 42nd meeting, the Committee adopted draft resolution A/C.3/64/L.31 by a recorded vote of 125 to 54, with 3 abstentions (see para. 110, draft resolution VI). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel,

Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Chile, Singapore.

50. Before the vote, a statement was made by the representative of Sweden, on behalf of the States Members of the United Nations that are members of the European Union (see A/C.3/64/SR.42).

G. Draft resolution A/C.3/64/L.32

51. At the 40th meeting, on 10 November, the representative of Germany, on behalf of Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Jordan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Morocco, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "National institutions for the promotion and protection of human rights" (A/C.3/64/L.32). Subsequently, Angola, Armenia, Bangladesh, Benin, Burkina Faso, Cape Verde, the Dominican Republic, Ecuador, Ethiopia, Georgia, Honduras, Iceland, India, Kazakhstan, Lebanon, Madagascar, Mongolia, Nigeria, Peru, the Philippines, the Republic of Korea, the Russian Federation, Seychelles, Sri Lanka, Thailand, the former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, the United Republic of Tanzania, Vanuatu and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

52. At its 42nd meeting, on 12 November, the Committee adopted draft resolution A/C.3/64/L.32 without a vote (see para. 110, draft resolution VII).

H. Draft resolutions A/C.3/64/L.34 and Rev.1

53. At the 40th meeting, on 10 November, the representative of Norway, on behalf of Albania, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Montenegro, Norway, Peru, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Protection of and assistance to internally displaced persons" (A/C.3/64/L.34). Subsequently, the Congo, the

Democratic Republic of the Congo, Ecuador, El Salvador, Estonia, Ethiopia, Italy, Micronesia (Federated States of), Portugal, Sierra Leone and Uganda joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,

"*Recognizing* that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

"*Deeply disturbed* by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

"*Recognizing* that natural disasters are a cause of displacement and concerned about factors, such as climate change, that are expected to exacerbate the impact of natural hazards, and climate-related slow-onset events causing further displacement of persons,

"*Recognizing also* that the consequences of hazards can be prevented or substantially mitigated by integrating disaster risk reduction strategies into national development policies and programmes,

"*Conscious* of the human rights and humanitarian dimensions of the problem of internally displaced persons, including in long-term displacement situations, and the responsibilities of States and the international community to strengthen further their protection and assistance,

"*Emphasizing* that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

"*Reaffirming* that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against being arbitrarily displaced,

"*Noting* the international community's growing awareness of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country,

"*Recalling* the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally

displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,

"*Noting*, in this regard, that 2009 marks the sixtieth anniversary of the Geneva Conventions of 1949, which constitute one vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

"*Welcoming* the adoption on 22 October 2009 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons,

"*Welcoming also* the increasing dissemination, promotion and application of the Guiding Principles when dealing with situations of internal displacement,

"*Deploring* practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of population as a crime against humanity, and the unlawful deportation, transfer, or ordering the displacement of the civilian population as war crimes,

"*Welcoming* the cooperation established between the Representative of the Secretary-General on the human rights of internally displaced persons and national Governments, the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

"*Acknowledging with appreciation* the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

"*Recalling* the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, regarding the need to develop global strategies to address the problem of internal displacement,

"*Recalling also* its resolution 62/153 of 18 December 2007 and Human Rights Council resolution 6/32 of 14 December 2007,

"1. *Welcomes* the report of the Representative of the Secretary-General on the human rights of internally displaced persons and its conclusions and recommendations;

"2. *Commends* the Representative of the Secretary-General for the activities undertaken so far, for the catalytic role that he plays in raising the level of awareness about the plight of internally displaced persons and for his ongoing efforts to address their development and other specific needs,

including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

"3. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement and of the needs and human rights of those displaced, to continue the development of benchmarks for achieving durable solutions and measures of prevention, including early warning, as well as ways to strengthen protection, assistance and durable solutions for internally displaced persons, and to continue to promote comprehensive strategies, taking into account the primary responsibility of States within their jurisdiction;

"4. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

"5. *Calls upon* States to provide durable solutions and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, and in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons;

"6. *Expresses* particular concern at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Representative of the Secretary-General to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and of the Security Council and giving appropriate consideration to annex I of the report of the Special Representative of the Secretary-General for Children and Armed Conflict entitled 'Rights and guarantees for internally displaced children';

"7. *Emphasizes* the importance of consultation with internally displaced persons and host communities by Governments, international organizations and non-governmental organizations during all phases of displacement, and their participation, where appropriate, in programmes and activities pertaining to them;

"8. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace process, are necessary elements of effective peacebuilding;

"9. *Welcomes* the role of the Peacebuilding Commission in this regard, and continues to urge the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in

consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

"10. *Recognizes* the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

"11. *Welcomes* the ongoing use of the Guiding Principles by the Representative of the Secretary-General in his dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

"12. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement, in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues of internal displacement, and through the allocation of budget resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

"13. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Representative for visits so as to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

"14. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

"15. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons, and to ensure, when camps and settlements for internally displaced persons are necessary, that their civilian and humanitarian character is maintained;

"16. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, welcomes continued initiatives taken in order to ensure better protection, assistance and development strategies for internally

displaced persons, as well as better coordination of activities regarding them, and emphasizes the need to strengthen the capacities of the United Nations organizations and other relevant actors to meet the immense humanitarian challenges of internal displacement;

"17. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the Representative of the Secretary-General, and requests the continued participation of the Representative in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

"18. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated appeals process, and encourages further efforts in this regard;

"19. *Also notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

"20. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources and relevant data on situations of internal displacement;

"21. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

"22. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Office of the United Nations High Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies, to continue their support to the Representative;

"23. *Encourages* the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

"24. *Requests* the Representative of the Secretary-General to prepare, for the General Assembly at its sixty-fifth and sixty-sixth sessions, a report on the implementation of the present resolution;

"25. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-sixth session."

54. At its 42nd meeting, on 12 November, the Committee had before it a revised draft resolution (A/C.3/64/L.34/Rev.1), submitted by the sponsors of draft resolution A/C.3/63/L.34 and Benin, Burundi, Malta, the Netherlands, Nigeria, Poland, Thailand, Timor-Leste, Ukraine and the United States of America. Subsequently, Ghana, Ireland, Madagascar, Malawi, Mali, Senegal, Seychelles, the United Republic of Tanzania and Zambia joined in sponsoring the revised draft resolution.

55. At the same meeting, the representative of Norway orally revised operative paragraph 7 of the draft resolution by replacing the words "their participation" with the words "the participation of internally displaced persons".

56. Also at its 42nd meeting, the Committee adopted draft resolution A/C.3/64/L.34/Rev.1, as orally revised, without a vote (see para. 110, draft resolution VIII).

57. After the adoption of the draft resolution, statements were made by the representatives of Venezuela (Bolivarian Republic of), Brazil and the Sudan (see A/C.3/64/SR.42).

I. Draft resolutions A/C.3/64/L.38 and Rev.1

58. At the 40th meeting, on 10 November, the representative of Norway, on behalf of Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bosnia and Herzegovina, Bulgaria, Canada, Chile, the Congo, Costa Rica, Côte d'Ivoire, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Iraq, Ireland, Italy, Japan, Jordan, Latvia, Lithuania, Luxembourg, Mexico, Monaco, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, introduced a draft resolution entitled "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (A/C.3/64/L.38). Subsequently, Benin, Cape Verde, Cyprus, the Dominican Republic, Micronesia (Federated States of), Montenegro, the Republic of Korea, San Marino, Slovakia and Vanuatu joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

"*Recalling also* all previous resolutions on this subject, in particular its resolution 62/152 of 18 December 2007 and Human Rights Council resolution 7/8 of 27 March 2008,

"*Noting with deep concern* that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats and harassment and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of civil or criminal proceedings,

"*Gravely concerned* that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

"*Gravely concerned also* by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and by the fact that in many countries impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

"*Gravely concerned further* by the considerable number of communications received by the Special Rapporteur on the situation of human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicates the serious nature of the risks faced by human rights defenders, in particular women human rights defenders,

"*Stressing* the important role that human rights defenders play in the promotion and protection of all human rights and fundamental freedoms for all, including in combating impunity, promoting access to justice, information and public participation in decision-making and promoting, strengthening and preserving democracy, as well as in fighting poverty and promoting the right to development,

"*Recognizing* the substantial role that human rights defenders can play in supporting efforts to strengthen peace and development, through dialogue, openness, participation and justice, including by monitoring, reporting on and contributing to the promotion and protection of human rights,

"*Welcoming* the cooperation between the Special Rapporteur and other special procedures of the Human Rights Council as well as other relevant United Nations bodies, offices, departments, specialized agencies and personnel, both at Headquarters and at the country level, within their mandates,

"*Welcoming also* regional initiatives for the promotion and protection of human rights and the strengthened cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

"*Welcoming also* the steps taken by some States towards adopting national policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including as follow-up to the universal periodic review mechanism of the Human Rights Council,

"*Recalling* that the primary responsibility for promoting and protecting human rights rests with the State, reaffirming that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders conduct their activities, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

"*Emphasizing* the need for strong and effective measures for the protection of human rights defenders,

"1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including by taking, as appropriate, practical steps to that end;

"2. *Welcomes* the reports of the Special Rapporteur on the situation of human rights defenders and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

"3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to prevent and eliminate such human rights violations;

"4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both local, and national levels, including in times of armed conflict and peacebuilding;

"5. *Also calls upon* States to respect and protect the freedom of expression and association of human rights defenders and, in this regard, to ensure that any registration requirements are transparent, non-discriminatory, expeditious and inexpensive and also consistent with the freedom of expression and association, and that such requirements do not obstruct the ability of human rights defenders to exercise these freedoms;

"6. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;

"7. *Also urges* States to take appropriate measures to address the question of impunity for attacks, threats, and acts of intimidation, including cases of gender-based violence, against human rights defenders and their relatives, including by ensuring that complaints from human rights defenders are promptly investigated and addressed in a transparent, independent and accountable manner;

"8. *Urges* all States to cooperate with and assist the Special Rapporteur in the performance of her/his mandate and to provide all information in a

timely manner as well as to respond without undue delay to communications transmitted to them by the Special Rapporteur;

"9. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her/his recommendations;

"10. *Strongly encourages* States to translate the Declaration into national languages and to take measures to improve its dissemination, including in local languages;

"11. *Encourages* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities, members of the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for individuals, groups and organs of society engaged in promoting and defending human rights as well as for their work;

"12. *Encourages* relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Rapporteur, and in this context requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Rapporteur;

"13. *Requests* that the Office of the High Commissioner as well as other relevant United Nations bodies, offices, departments and specialized agencies, within their respective mandates, consider ways in which they can assist States in strengthening the role and security of human rights defenders, including in situations of armed conflict and peacebuilding;

"14. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the necessary assistance to the Special Rapporteur for the effective fulfilment of her/his mandate;

"15. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur in the implementation of her/his programme of activities;

"16. *Requests* the Special Rapporteur to continue to report annually on her/his activities to the General Assembly and to the Human Rights Council in accordance with her/his mandate;

"17. *Decides* to consider the question at its sixty-sixth session under the item entitled 'Promotion and protection of human rights'."

59. At its 45th meeting, on 20 November, the Committee had before it a revised draft resolution (A/C.3/64/L.38/Rev.1), submitted by the sponsors of draft resolution A/C.3/64/L.38 and Belgium, Colombia, Ecuador, Israel, Liechtenstein, Morocco, Nigeria, Thailand, Timor-Leste, Turkey and Ukraine. Subsequently, the Central African Republic, Equatorial Guinea, Georgia, Haiti, Mali, Malta and Senegal joined in sponsoring the revised draft resolution.

60. At the same meeting, the representative of Norway orally revised the text of the draft resolution by adding, at the end of operative paragraph 9, the words "so as to enable the Special Rapporteur to fulfil her/his mandate even more effectively".

61. Also at its 45th meeting, the Committee adopted draft resolution A/C.3/64/L.38/Rev.1, as orally revised, without a vote (see para. 110, draft resolution IX).

J. Draft resolutions A/C.3/64/L.39 and Rev.1

62. At the 40th meeting, on 10 November, the representative of Sweden, on behalf of Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "Elimination of all forms of intolerance and of discrimination based on religion or belief" (A/C.3/64/L.39). Subsequently, Angola, Cape Verde, Colombia, Costa Rica, Georgia, Haiti, Paraguay, Peru, the Philippines, San Marino, Sri Lanka and Vanuatu joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

"*Recalling also* article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

"*Recalling further* its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 63/181 of 18 December 2008, as well as Human Rights Council resolution 10/25 of 27 March 2009,

"*Recognizing* the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

"*Reaffirming* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

"*Reaffirming* the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration

of Human Rights and article 18 of the International Covenant on Civil and Political Rights,

"*Deeply concerned* about the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief,

"*Concerned* that acts of violence, or credible threats of violence, by non-State actors against persons belonging to religious minorities are sometimes tolerated or encouraged by official authorities,

"*Expressing deep concern* at all forms of discrimination and intolerance, including prejudices against persons and derogatory stereotyping of persons, based on religion or belief,

"*Concerned* about the rise in the number of laws or bills which aim at limiting the freedom of religion or belief and the implementation of existing laws in a discriminatory manner,

"*Convinced* of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women as well as other individuals on the grounds or in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations, as well as other relevant instruments of the United Nations,

"*Seriously concerned* at all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

"*Emphasizing* that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

"1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

"2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all persons, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;

"3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate any human rights, including the right to freedom of thought, conscience and religion;

"4. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing;

"5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

"6. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

"7. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

"8. *Emphasizes* that States must prevent, investigate and punish acts of violence against persons belonging to religious minorities, whether those acts are perpetrated by the State or by private persons, and failure of States to exercise due diligence in this manner may constitute a human rights violation;

"9. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

"(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated or impaired;

"(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

"(c) To end violations of the human rights of women and to devote particular attention to abolish practices that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

"(d) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and opportunity to have access, on general terms of equality, to public services in one's country, without any discrimination on the basis of religion or belief;

"(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, alone or in community with others and in public or private;

"(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right

to refrain from disclosing information concerning one's religious affiliation on such documents against one's will;

"(g) To ensure, in particular, the right of all persons to worship or assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

"(h) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction;

"(i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

"(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

"(k) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

"(l) To promote, through education and other means, understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging a wider knowledge in the society at large of the history, traditions, languages and culture of the various religious minorities existing within their territories;

"(m) To prevent any distinction, exclusion, restriction or preference based on religion or belief which impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

"10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women and minorities, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

"11. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on

Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

"12. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

"13. *Welcomes* the work and the interim report of the Special Rapporteur on freedom of religion or belief;

"14. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to her requests to visit their countries and to provide all necessary information for the effective fulfilment of her mandate;

"15. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge her mandate;

"16. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fifth session;

"17. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-fifth session under the item entitled 'Promotion and protection of human rights'."

63. At its 46th meeting, on 23 November, the Committee had before it a revised draft resolution (A/C.3/64/L.39/Rev.1), submitted by the sponsors of draft resolution A/C.3/64/L.39 and Israel, Japan, Madagascar, Turkey, the United Republic of Tanzania and the United States of America. Subsequently, Brazil, the Congo, El Salvador, Equatorial Guinea, the Republic of Korea, Seychelles, Thailand and Ukraine joined in sponsoring the revised draft resolution.

64. At the same meeting, the representative of Sweden orally revised the draft resolution by adding, after the fourth preambular paragraph, a new preambular paragraph, reading:

"*Considering* that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed".

65. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/64/L.39/Rev.1, as orally revised, without a vote (see para. 110, draft resolution X).

66. Before the adoption of the draft resolution, a statement was made by the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference (see A/C.3/64/SR.46).

K. Draft resolution A/C.3/64/L.40

67. At the 40th meeting, on 10 November, the representative of the Cameroon, on behalf of Angola, Austria, Benin, Bosnia and Herzegovina, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, Chile, the Comoros, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, France, Gabon, the Gambia, Guinea, Kenya, Liberia, Madagascar, the Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, South Africa, the United Republic of Tanzania and Zambia, introduced a draft resolution entitled "Subregional Centre for Human Rights and Democracy in Central Africa" (A/C.3/64/L.40). Subsequently, Albania, Algeria, Argentina, Belgium, Costa Rica, Croatia, Germany, Ghana, Guinea-Bissau, Haiti, Honduras, Hungary, Israel, Italy, Lesotho, Luxembourg, Malawi, Mali, Morocco, Namibia, Portugal, Serbia, Slovenia, Spain, Sri Lanka, the Sudan, Swaziland, the former Yugoslav Republic of Macedonia, Togo, Uganda and the United States of America joined in sponsoring the draft resolution.

68. At the 44th meeting, on 19 November, the Secretary of the Committee read out a statement regarding the programme budget implications of the draft resolution.

69. At the same meeting, the Committee adopted draft resolution A/C.3/64/L.40 without a vote (see para. 110, draft resolution XI).

70. After the adoption of the draft resolution, a statement was made by the representative of Cuba (see A/C.3/64/SR.44).

L. Draft resolutions A/C.3/64/L.41 and Rev.1

71. At the 40th meeting, on 10 November, the representative of Mexico, on behalf of Albania, Algeria, Angola, Argentina, Armenia, Bangladesh, Belarus, Belize, Benin, Bolivia (Plurinational State of), Brazil, Cape Verde, Chile, Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Ecuador, Egypt, Eritrea, Guatemala, Haiti, Honduras, Indonesia, Iraq, Kenya, Kyrgyzstan, Mali, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Paraguay, Peru, the Philippines, Sri Lanka, Tajikistan and Uruguay, introduced a draft resolution entitled "Protection of migrants" (A/C.3/64/L.41). Subsequently, the Congo, El Salvador, Ethiopia, the Niger, Senegal and Uganda joined in sponsoring the draft resolution, which read as follows:

"*The General Assembly*,

"*Recalling* all its previous resolutions on the protection of migrants, the most recent of which is resolution 63/184 of 18 December 2008, and recalling also Human Rights Council resolution 12/6 of 1 October 2009,

"*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

"*Reaffirming also* that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country,

"*Recalling* the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

"*Recalling also* the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development, in which it was recognized that migrant workers are among the most vulnerable in the context of the current crisis,

"*Recalling further* Commission on Population and Development resolutions 2006/2 of 10 May 2006 and 2009/1 of 3 April 2009,

"*Taking note with appreciation* of the *Human Development Report 2009* of the United Nations Development Programme entitled 'Overcoming barriers: Human mobility and development',

"*Taking note* of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

"*Taking note also* of the judgments of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*, and of 19 January 2009 regarding the Request for interpretation of the *Avena* judgment, and recalling the obligations of States reaffirmed in both decisions,

"*Underlining* the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

"*Recognizing* the increasing participation of women in international migration movements,

"*Recalling* the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights,

"*Noting* the second meeting of the Global Forum on Migration and Development, held in Manila from 27 to 30 October 2008, welcoming the generous offers of the Governments of Greece and Mexico to host the

meetings of the Global Forum in 2009 and 2010, respectively, and recognizing the inclusion of a discussion on migration, development and human rights as a step to address the multidimensional nature of international migration,

"*Recognizing* the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the current economic and financial crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

"*Emphasizing* the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

"*Bearing in mind* that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

"*Stressing* the importance of regulations and laws regarding irregular migration being in accordance with the obligations of States under international law, including international human rights law,

"*Concerned* about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

"*Stressing* that penalties and the treatment given to irregular or undocumented migrants should be commensurate with their infraction,

"*Recognizing* the importance of having a comprehensive and balanced approach to international migration, as well as the responsibility of countries of origin, transit and destination, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

"1. *Calls upon* States to effectively promote and protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

"2. *Urges* Governments, considering the effects of the current economic and financial crisis on international migration and migrants, to

combat unfair or discriminatory treatment of migrants and to avoid unreasonable restrictions on labour migration in order to maximize the benefits of international migration, including by helping economies to adjust to the effects of the crisis and to emerge from it;

"3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights and the obligations of States under the International Covenants on Human Rights, and in this regard:

"(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

"(b) Expresses concern at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

"(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

"(d) Also calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and to raise awareness of the Convention;

"(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its ninth and tenth sessions;

"4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are parties, and therefore:

"(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular or undocumented migrants, and to adopt, where applicable, alternative measures to detention;

"(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

"(c) Takes note with appreciation of the measures adopted by some States to reduce detention periods for irregular or undocumented migrants in the application of domestic regulations and laws regarding irregular or undocumented migration;

"(d) Takes note with appreciation of the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

"(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

"(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

"(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

"(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

"(i) Encourages all States to remove unlawful obstacles that may prevent the safe, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

"(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

"5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

"(a) Welcomes the immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant

environment, and encourages States to consider the possibility of adopting these types of programmes;

"(b) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration;

"(c) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the children are a primary consideration in their policies of integration, return and family reunification;

"(d) Encourages all States to prevent and eliminate any discriminatory policies that deny migrant children access to education, in particular on the basis of their migratory status;

"(e) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interest of the child and family reunification;

"(f) Urges States parties to the United Nations Convention against Transnational Organized Crime and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

"6. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

"(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

"(b) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard, underlines the importance of adequately taking into account the centrality of the human rights perspective in the informal thematic debate on international migration and development, to be held in 2011, as well as in the High-level Dialogue on International Migration

and Development, to be held at its sixty-eighth session, in 2013, pursuant to resolution 63/225 of 19 December 2008;

"(c) Invites the Chairperson of the Committee to address the General Assembly at its sixty-fifth session under the item entitled 'Promotion and protection of human rights';

"(d) Invites the Special Rapporteur to present his reports to the General Assembly at its sixty-fifth session under the item entitled 'Promotion and protection of human rights';

"7. *Requests* the Secretary-General to provide the resources necessary, from within existing resources of the United Nations, for the Committee to meet for two separate sessions in 2010, the first session to be of two consecutive weeks' duration and the second session to be of one week's duration, and invites the Committee to consider ways of further improving the effectiveness of its working sessions;

"8. *Also requests* the Secretary-General to report on the implementation of the present resolution at its sixty-fifth session and to include in that report an analysis of the ways and means to promote the human rights of migrants, especially unaccompanied children, and decides to examine the question further under the item entitled 'Promotion and protection of human rights'."

72. At its 42nd meeting, on 12 November, the Committee had before it a revised draft resolution entitled "Protection of migrants" (A/C.3/64/L.41/Rev.1), submitted by the sponsors of A/C.3/64/L.41 and Afghanistan, Burkina Faso, Ghana, Guinea and Turkey. Subsequently, Costa Rica, Jamaica, Lebanon, Portugal, Seychelles and Timor-Leste joined in sponsoring the revised draft resolution.

73. At the same meeting, the Secretary of the Committee read out a statement regarding the programme budget implications of the draft resolution.

74. Also at its 42nd meeting, the Committee adopted draft resolution A/C.3/64/L.41/Rev.1 without a vote (see para. 110, draft resolution XII).

75. Before the adoption of the draft resolution, a statement was made by the representative of the United States of America; after the adoption of the draft resolution, a statement was made by the representative of Sweden (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.3/64/SR.42).

M. Draft resolutions A/C.3/64/L.42 and Rev.1

76. At the 41st meeting, on 12 November, the representative of Argentina, on behalf of Albania, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Chad, Chile, Colombia, the Congo, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mexico, Monaco, Mongolia, Montenegro, Morocco, the Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Poland, Portugal, the Republic of Moldova, Romania,

Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Uganda, the United Kingdom of Great Britain and Northern Ireland, Vanuatu and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "International Convention for the Protection of All Persons from Enforced Disappearance" (A/C.3/64/L.42). Subsequently, the Comoros, Cuba, Ghana, the Niger, Saint Vincent and the Grenadines and Swaziland joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Reaffirming* its resolution 61/177, of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

"*Recalling* its resolution 47/133, of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for all States,

"*Recalling also* its resolution 63/186 of 18 December 2008, as well as relevant resolutions adopted by the Human Rights Council, including resolution 10/10, in which the Council took note of the report of the Working Group on Enforced or Involuntary Disappearances and its recommendations,

"*Deeply concerned*, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

"*Recognizing* the importance of the right of victims to know the truth regarding the circumstances of the enforced disappearance, as set out in the International Convention for the Protection of All Persons from Enforced Disappearance,

"*Acknowledging* that acts of enforced disappearance are recognized by the Convention as crimes against humanity, in certain circumstances,

"*Acknowledging also* the valuable work of the International Committee of the Red Cross in promoting compliance with relevant international humanitarian law in this field,

"*Recognizing* that the entry into force of the Convention, as soon as possible, through its ratification by twenty States, will be a significant contribution to end impunity and to the promotion and protection of human rights,

"1. *Welcomes* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance;

"2. *Also welcomes* the fact that eighty-one States have signed the Convention and sixteen have ratified or acceded to it, and calls upon States which have yet not done so to consider signing, ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on

Enforced Disappearances, with a view to its entry into force by December 2009;

"3. *Further welcomes* the report of the Secretary-General on the International Convention for the Protection of All Persons from Enforced Disappearance;

"4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to intensify efforts to assist States to become parties to the Convention, with a view to achieving universal adherence;

"5. *Requests* United Nations agencies and organizations, and invites intergovernmental, non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue undertaking efforts to disseminate information on the Convention, to promote understanding of it, to prepare for its entry into force and to assist States parties in implementing their obligations under this instrument;

"6. *Requests* the Secretary-General to submit to the General Assembly, at its sixty-fifth session a report on the status of the Convention and the implementation of the present resolution."

77. At its 44th meeting, on 19 November, the Committee had before it a revised draft resolution (A/C.3/64/L.42/Rev.1), submitted by the sponsors of draft resolution A/C.3/64/L.42 and Belize, Eritrea, Grenada, India, Kazakhstan, Timor-Leste, the United Republic of Tanzania, Ukraine and Uruguay. Subsequently, the Central African Republic, Israel, Saint Kitts and Nevis, Somalia and South Africa joined in sponsoring the revised draft resolution.

78. At the same meeting, the Committee adopted draft resolution A/C.3/64/L.42/Rev.1 without a vote (see para. 110, draft resolution XIII).

N. Draft resolutions A/C.3/64/L.43 and Rev.1

79. At the 41st meeting, on 12 November, the representative of Mexico, on behalf of Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, the Netherlands, Norway, Paraguay, Peru, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Protection of human rights and fundamental freedoms while countering terrorism" (A/C.3/64/L.43). Albania, Armenia, Cape Verde, Costa Rica, Croatia, the Dominican Republic, El Salvador, Malta, Montenegro, Nicaragua, Panama, Romania, Serbia and the former Yugoslav Republic of Macedonia joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Reaffirming* the purposes and principles of the Charter of the United Nations,

"*Reaffirming also* the Universal Declaration of Human Rights,

"*Reaffirming further* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

"*Reaffirming* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

"*Reiterating* the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights, refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

"*Deeply deploring* the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee law and international humanitarian law,

"*Noting with concern* measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures,

"*Stressing* that all measures used in the fight against terrorism must be in compliance with the obligations of States under international law, including international human rights law, international refugee law and international humanitarian law,

"*Recalling* article 30 of the Universal Declaration of Human Rights, and reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

"*Reaffirming its unequivocal condemnation* of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

"*Recognizing* that respect for all human rights, respect for democracy and respect for the rule of law are interrelated and mutually reinforcing,

"*Reaffirming* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

"*Emphasizing* the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment, and of abiding strictly by the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in the fight against terrorism,

"*Recalling* its resolutions 63/185 of 18 December 2008, 62/159 of 18 December 2007, 61/171 of 19 December 2006, 60/158 of 16 December 2005, 59/191 of 20 December 2004, 58/187 of 22 December 2003 and 57/219 of 18 December 2002, Commission on Human Rights resolutions 2005/80 of 21 April 2005, 2004/87 of 21 April 2004 and 2003/68 of 25 April 2003, and other relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Council decision 2/112 of 27 November 2006 and Council resolutions 10/15 of 26 March 2009 and 7/7 of 27 March 2008,

"*Recognizing* the importance of the United Nations Global Counter-Terrorism Strategy, adopted on 8 September 2006, reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and protection of human rights are not conflicting goals but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

"1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular human rights, refugee and humanitarian law;

"2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance;

"3. *Expresses serious concern* at violations of human rights and fundamental freedoms, as well as of refugee and international humanitarian law, committed in the context of countering terrorism;

"4. *Reaffirms* that counter-terrorism measures should be implemented in accordance with international law, including human rights, refugee and humanitarian law, take full consideration of the human rights of all, including persons belonging to national or ethnic, religious and linguistic minorities, and must not be discriminatory on any grounds prohibited by international law such as race, colour, sex, language, religion or social origin;

"5. *Also reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights, to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations, and in this

regard calls upon States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

"6. *Urges* States while countering terrorism to:

"(a) Fully comply with their obligations under international law, in particular human rights, refugee and humanitarian law, with regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

"(b) Take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or detention, benefit from the guarantees to which they are entitled under international law, including the review of the detention and other fundamental judicial guarantees;

"(c) Ensure that no form of deprivation of liberty places a detained person outside the protection of the law, and respect the safeguards concerning the liberty, security and dignity of the person, in accordance with international law, including human rights and humanitarian law;

"(d) Treat all prisoners in all places of detention in accordance with international law, including human rights and humanitarian law;

"(e) Respect the right of persons to be equal before the law, courts and tribunals and the right to a fair trial as provided for in international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and international humanitarian law and refugee law;

"(f) Protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have a negative impact on the enjoyment of all human rights;

"(g) Ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly refugee and human rights law, towards persons seeking international protection;

"(h) Fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

"(i) Refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular human rights, humanitarian and refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their life or freedom would be threatened in violation of international refugee law on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned;

"(j) Not expose individuals to danger of cruel, inhuman or degrading treatment or punishment by way of return to another country insofar as such an act runs contrary to their obligations under international law;

"(k) Ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law;

"(l) Not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

"(m) Ensure that the interrogation methods used against suspects of terrorism are consistent with their international obligations, and are reviewed to prevent the risk of violations of their obligations under international law, including human rights, refugee and humanitarian law;

"(n) Ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective remedy and that victims will receive adequate, effective and prompt reparations, where appropriate, including by bringing to justice those responsible for such violations;

"(o) Ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights, and their obligations under the International Covenant on Civil and Political Rights, the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, and the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in their respective fields of applicability;

"(p) Shape and implement all counter-terrorism measures in accordance with the principles of gender equality and non-discrimination, fully taking into account instances where inequalities between men and women are combined with other grounds of discrimination prohibited by international law;

"7. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the Human Rights Council, its special procedures and mechanisms, including the Universal Periodic Review, and to the relevant comments and views of United Nations human rights treaty bodies;

"8. *Acknowledges* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance in its resolution 61/177 of 20 December 2006, and recognizes that the entry into force of the Convention will be an important step in support of the rule of law in countering terrorism;

"9. *Recognizes* the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the Security Council's ongoing efforts in support of these objectives, including by continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

"10. *Urges* States, while ensuring full compliance with their international obligations, to ensure the rule of law and include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combating terrorism;

"11. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness about the need to respect human rights and the rule of law while countering terrorism;

"12. *Takes note with appreciation* of the report of the Secretary-General and the report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism submitted pursuant to resolution 63/185, and takes note of the recommendations and conclusions contained therein;

"13. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, other relevant special procedures and mechanisms of the Human Rights Council, and relevant treaty bodies, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

"14. *Calls upon* States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which, inter alia, reaffirms respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism;

"15. *Requests* the Counter-Terrorism Implementation Task Force to continue its efforts to ensure that the United Nations can better coordinate and enhance support to Member States in their efforts to implement their obligations under international law, including international human rights law, international refugee law and international humanitarian law, while countering terrorism;

"16. *Encourages* relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance related to the prevention and suppression of terrorism to include, when applicable, as an element of technical assistance, the respect of international human rights law, refugee law and international humanitarian law, as well as the rule of law;

"17. *Calls upon* international, regional and subregional organizations to strengthen information-sharing, coordination and cooperation in promoting the

protection of human rights and fundamental freedoms and the rule of law while countering terrorism;

"18. *Urges* relevant United Nations bodies and entities and international, regional and subregional organizations, including the United Nations Office on Drugs and Crime, to step up their efforts to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of policies of assistance and support for victims of terrorism;

"19. *Requests* the Special Rapporteur, within in the context of his mandate, to continue to make recommendations with regard to preventing, combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism;

"20. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals of the Special Rapporteur, providing the information requested and giving serious consideration to responding favourably to his request to visit their countries, as well as to cooperate with other relevant procedures and mechanisms of the Human Rights Council dealing with the promotion and protection of human rights and fundamental freedoms while countering terrorism;

"21. *Welcomes* the work of the United Nations High Commissioner for Human Rights to implement the mandate given to her in 2005, in resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

"22. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its sixty-fifth session;

"23. *Decides* to consider at its sixty-fifth session the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism."

80. At its 47th meeting, on 24 November, the Committee had before it a revised draft resolution entitled "Protection of human rights and fundamental freedoms while countering terrorism" (A/C.3/64/L.43/Rev.1), submitted by the sponsors of draft resolution A/C.3/64/L.43 and Ecuador, Indonesia, Israel and the Russian Federation. Subsequently, Ukraine joined in sponsoring the revised draft resolution and Cape Verde withdrew as a sponsor.

81. At the same meeting, the representative of Mexico orally revised the draft resolution as follows:

(a) The fifth preambular paragraph was moved, to become the third preambular paragraph;

(b) A new, final, preambular paragraph was inserted, reading:

"*Recalling also* Human Rights Council resolution 6/28 of 14 December 2007, by which the Council decided to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism";

(c) Operative paragraph 6 (j), which read:

"Not to expose individuals to danger of cruel, inhuman or degrading treatment or punishment by way of return to another country insofar as such an act runs contrary to their obligations under international law";

was replaced by:

"Insofar as such an act runs contrary to their obligations under international law, not to expose individuals to cruel, inhuman or degrading treatment or punishment by way of return to another country";

(d) The order of operative paragraphs 17 and 18 was reversed; and in the new operative paragraph 17, the words "policies of assistance" were replaced by the words "programmes of assistance" and the words "in accordance with relevant national legislation" were added at the end of the paragraph.

82. At the same meeting, the representative of Zambia, on behalf of the States Members of the United Nations that are members of the Group of African States, orally introduced amendments to the draft resolution whereby:

(a) In operative paragraph 12, the words "and the report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism" would be replaced by the words "on protecting human rights and fundamental freedoms while countering terrorism and the previous work of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism undertaken according to his mandate, based on Commission on Human Rights resolution 2005/80 of 21 April 2005 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007 and 6/28 of 14 December 2007";

(b) In operative paragraph 19, the words "to continue to make recommendations" would be replaced by the words "to make recommendations".

83. At the same meeting, the representative of Mexico called for separate votes on the amendments to operative paragraphs 12 and 19.

84. The Committee adopted the proposed amendment to operative paragraph 12 by a recorded vote of 77 to 73, with 23 abstentions. The voting was as follows:[1]

In favour:

Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Equatorial Guinea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Uganda,

[1] The delegation of the Congo subsequently indicated that it had intended to vote in favour.

United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Antigua and Barbuda, Bahamas, Barbados, Belize, Bhutan, Bolivia (Plurinational State of), Brazil, Congo, Fiji, Grenada, India, Indonesia, Nepal, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Singapore, Sri Lanka, Suriname, Thailand, Tonga, Trinidad and Tobago, Uzbekistan.

85. Before the vote, statements were made by the representatives of Zambia (on behalf of the States Members of the United Nations that are members of the Group of African States), Argentina, Mexico, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), New Zealand and the Syrian Arab Republic (see A/C.3/64/SR.47).

86. The Committee then adopted the proposed amendment to operative paragraph 19 by a recorded vote of 81 to 73, with 20 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras,

Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu

Abstaining:

Antigua and Barbuda, Bahamas, Barbados, Belize, Bhutan, Bolivia (Plurinational State of), Brazil, Grenada, India, Indonesia, Nepal, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Sri Lanka, Suriname, Thailand, Tonga, Trinidad and Tobago, Uzbekistan.

87. Before the vote, statements were made by the representatives of Zambia (on behalf of the States Members of the United Nations that are members of the Group of African States) and Saint Lucia; after the vote, statements were made by the representatives of Venezuela (Bolivarian Republic of) and Pakistan (see A/C.3/64/SR.47).

88. Angola, Azerbaijan, Benin, Cameroon, Cape Verde, the Comoros, the Congo, Côte d'Ivoire, Dominica, Egypt, Equatorial Guinea, Ethiopia, the Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Mali, Nigeria, Senegal, Somalia, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe joined in sponsoring the draft resolution, as orally revised and amended; and the United Kingdom of Great Britain and Northern Ireland withdrew as a sponsor of the draft resolution, as orally revised and amended.

89. Also at its 47th meeting, the Committee, in accordance with rule 130 of the rules of procedure, adopted draft resolution A/C.3/64/L.43/Rev.1, as orally revised and amended, by a recorded vote of 181 to none, with 1 abstention (see para. 110, draft resolution XIV). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands,

New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Saint Kitts and Nevis.

90. Before the adoption of the draft resolution, statements were made by the representatives of Zambia (on behalf of the States Members of the United Nations that are members of the Group of African States) and Mexico; after its adoption, statements were made by the representatives of Cuba, Sweden (on behalf of the States Members of the United Nations that are members of the European Union) and Mexico (see A/C.3/64/SR.47).

O. Draft resolutions A/C.3/64/L.44 and Rev.1

91. At the 40th meeting, on 10 November, the representative of Colombia, on behalf of Argentina, Brazil, Chile, Colombia, the Dominican Republic, Guatemala, Panama, Peru and Uruguay, introduced a draft resolution entitled "United Nations Decade for People of African Descent" (A/C.3/64/L.44). Subsequently, Belarus, Bolivia (Plurinational State of), Honduras and Senegal joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

"*Recalling* the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant international human rights instruments,

"*Recalling*, in particular, article 26 of the International Covenant on Civil and Political Rights, which provides that all persons are equal before the law

and are entitled without any discrimination to the equal protection of the law and that, in this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"*Recalling also*, in particular, article 2 of the International Covenant on Economic, Social and Cultural Rights, which provides that States parties undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"*Reaffirming* that one of the fundamental purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction,

"*Recalling* the relevant provisions of the outcomes of all major United Nations conferences and summits,

"*Recalling also* its resolutions 62/122 of 17 December 2007 and 63/5 of 20 October 2008 on the permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade,

"*Reaffirming* the commitment to prevent, combat and eradicate racism and racial discrimination,

"*Reaffirming also* the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, political, cultural, economic and social rights,

"*Reiterating* the recognition of the value and diversity of the cultural heritage of people of African descent, and reaffirming the importance and necessity of ensuring their full integration into social, economic and political life, in countries where they represent minorities, with a view to facilitating their full participation at all levels in the decision-making process,

"*Taking note* of the valuable contributions made by the various initiatives undertaken at the national, regional and international levels to benefit people of African descent and to realize their human rights and fundamental freedoms,

"*Expressing concern* that, despite the efforts, forms of racism and discrimination, and the effects of marginalization and social exclusion against people of African descent, have not been eradicated in some parts of the world,

"*Recognizing* that further national and international actions are required to ensure the full enjoyment of all human rights, economic, social, cultural, civil and political, without discrimination, by people of African descent, including men, women and children, as well as the continuous improvement of living conditions,

"1. *Proclaims* the ten-year period beginning on 1 January 2010 the United Nations Decade for People of African Descent;

"2. *Decides* that the goals of the Decade should include, inter alia:

"(a) To strengthen international cooperation and national actions for the benefit of people of African descent in such areas as human rights, gender equality, the environment, development, education, health, employment, housing, and access to information and communication technologies, among others;

"(b) To support the implementation of actions to enhance the participation and integration of people of African descent in all political, economic, social and cultural aspects of society, and in the advancement and economic development of their countries, while respecting their cultural and ethnic identities;

"(c) To promote a greater knowledge of and respect for their diverse heritage and culture;

"(d) To recognize, reaffirm and promote better knowledge of the significant cultural, economic, political and scientific contribution of people of African descent in the development and history of societies;

"3. *Urges* Member States to adopt and/or strengthen measures, including on legislative, policy, institutional and operational matters, in order to effectively pursue the goals defined in the present resolution and all other relevant internationally agreed objectives that have a positive impact for the welfare and the realization of human rights of people of African descent;

"4. *Encourages* the specialized agencies of the United Nations system to enhance and/or adopt, as appropriate, within their respective mandates, existing resources and strategic frameworks, targets and specific activities in support of the achievement of the goals of the Decade;

"5. *Invites* non-governmental organizations, the private sector, and other relevant actors of civil society to consider and implement activities that can contribute to the success of the Decade;

"6. *Encourages* Member States, requests specialized entities of the United Nations system, and invites other relevant intergovernmental and non-governmental organizations to participate during 2010 in the consultation process for the formulation of more effective actions, including the draft comprehensive programme of action provided for in the present resolution;

"7. *Requests* the Secretary-General, with the collaboration of the United Nations High Commissioner for Human Rights, and taking into account the contributions of Member States, the Committee on the Elimination of Racial Discrimination, specialized entities of the United Nations system, the Working Group of Experts on People of African Descent, and relevant intergovernmental and non-governmental organizations, including organizations of people of African descent, to submit to the General Assembly at its sixty-fifth session a report containing recommendations on how to make the United Nations Decade for People of African Descent (2010-2019) more effective, including a draft comprehensive programme of action for the Decade with action-oriented programmes, and proposals for cooperation and technical assistance, to be undertaken at the international, regional, national and community levels."

92. At its 47th meeting, on 24 November, the Committee had before it a revised draft resolution entitled "International Year for People of African Descent" (A/C.3/64/L.44/Rev.1), submitted by the sponsors of draft resolution A/C.3/64/L.44 and Costa Rica, Ecuador and India. Subsequently, Belize and the United States of America joined in sponsoring the revised draft resolution.

93. At the same meeting, the Committee adopted draft resolution A/C.3/64/L.44/Rev.1 without a vote (see para. 110, draft resolution XV).

P. Draft resolution A/C.3/64/L.45

94. At the 40th meeting, on 10 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, introduced a draft resolution entitled "Human rights and unilateral coercive measures" (A/C.3/64/L.45). Subsequently, China joined in sponsoring the draft resolution.

95. At its 42nd meeting, on 12 November, the Committee adopted draft resolution A/C.3/64/L.45 by a recorded vote of 128 to 52 (see para. 110, draft resolution XVI). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania,

San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

None.

96. After the vote, a statement was made by the representative of the United States of America (see A/C.3/64/SR.42).

Q. Draft resolution A/C.3/64/L.46

97. At the 40th meeting, on 10 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, introduced a draft resolution entitled "Enhancement of international cooperation in the field of human rights" (A/C.3/64/L.46). Subsequently, China joined in sponsoring the draft resolution.

98. At its 42nd meeting, on 12 November, the Committee adopted draft resolution A/C.3/64/L.46 without a vote (see para. 110, draft resolution XVII).

R. Draft resolution A/C.3/64/L.47

99. At the 40th meeting, on 10 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, introduced a draft resolution entitled "The right to development" (A/C.3/64/L.47). Subsequently, Brazil and China joined in sponsoring the draft resolution.

100. At its 44th meeting, on 19 November, the Committee adopted draft resolution A/C.3/64/L.47, by a recorded vote of 130 to 22, with 30 abstentions (see para. 110, draft resolution XVIII). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan,

Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Georgia, Germany, Hungary, Israel, Liechtenstein, Lithuania, Netherlands, New Zealand, Poland, Slovakia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Austria, Bosnia and Herzegovina, Croatia, Cyprus, Finland, France, Greece, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, Malta, Monaco, Montenegro, Norway, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovenia, Spain, Turkey, Ukraine, Vanuatu.

101. Before the adoption of the draft resolution, statements were made by the representatives of Sweden (on behalf of the States Members of the United Nations that are members of the European Union), the United States of America, Canada and New Zealand (also on behalf of Switzerland); after the adoption of the draft resolution, statements were made by the representatives of Egypt (on behalf of the States Members of the United Nations that are members of the Non-Aligned Movement) and China (see A/C.3/64/SR.44).

S. Draft resolution A/C.3/64/L.48

102. At the 40th meeting, on 10 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, introduced a draft resolution entitled "Promotion of equitable geographical distribution in the membership of the human rights treaty bodies" (A/C.3/64/L.48). Subsequently, China and the Russian Federation joined in sponsoring the draft resolution.

103. At the same meeting, the representative of Cuba orally revised the draft resolution by replacing the words "agenda of each Conference" with the words "agenda of each meeting and/or Conference" in operative paragraph 3.

104. At its 42nd meeting, on 12 November, the Committee adopted draft resolution A/C.3/64/L.48, as orally revised, by a recorded vote of 125 to 51, with 3 abstentions (see para. 110, draft resolution XIX). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India,

Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Chile, Timor-Leste, Vanuatu.

T. Draft resolution A/C.3/64/L.49

105. At the 40th meeting, on 10 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, introduced a draft resolution entitled "Human rights and cultural diversity" (A/C.3/64/L.49). Subsequently, China and El Salvador joined in sponsoring the draft resolution.

106. At the 47th meeting, on 24 November, the Secretary read out a statement of the programme budget implications of the draft resolution.

107. At the same meeting, following a statement by the Secretary, the representative of Cuba orally revised operative paragraph 16 of the draft resolution by inserting the word "invites" before "the United Nations Educational, Scientific and Cultural Organization".

108. Also at the same meeting, the Committee adopted draft resolution A/C.3/64/L.49 by a recorded vote of 125 to 50, with 4 abstentions (see para. 110, draft resolution XX). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia,

Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Fiji, Japan, Timor-Leste.

109. Before the adoption of the draft resolution, statements were made by the representatives of Egypt (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries), Canada and the United States of America; after its adoption, statements were made by the representatives of Benin, Colombia, the Syrian Arab Republic, Nicaragua, Costa Rica, Chile and Venezuela (Bolivarian Republic of) (see A/C.3/64/SR.47).

III. Recommendations of the Third Committee

110. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization

The General Assembly,

Reaffirming that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming also that, while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region, and reaffirming further the necessity of due respect for sovereignty and the right to self-determination,

Stressing that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing,

Reaffirming that Member States are responsible for organizing, conducting and ensuring free and fair electoral processes and that Member States, in the exercise of their sovereignty, may request that international organizations provide advisory services or assistance for strengthening and developing their electoral institutions and processes, including sending preliminary missions for that purpose,

Recalling its previous resolutions on the subject, in particular resolution 62/150 of 18 December 2007,

Reaffirming that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Noting with satisfaction that increasing numbers of Member States are using elections as a peaceful means of discerning the will of the people, which builds confidence in representational governance and contributes to greater national peace and stability,

Recalling the Universal Declaration of Human Rights, adopted on 10 December 1948,[1] in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right freely to choose representatives through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

Reaffirming the International Covenant on Civil and Political Rights,[2] the Convention on the Elimination of All Forms of Discrimination against Women[3] and

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1249, No. 20378.

the International Convention on the Elimination of All Forms of Racial Discrimination,[4] in particular that citizens, without distinction of any kind, have the right and opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives, and to vote and to be elected in genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors,

Stressing the importance, generally and in the context of promoting fair and free elections, of respect for the freedom to seek, receive and impart information, in accordance with the International Covenant on Civil and Political Rights, and noting, in particular, the fundamental importance of access to information and media freedom,

Recognizing the need for strengthening democratic processes, electoral institutions and national capacity-building in requesting countries, including the capacity to administer fair elections, promote women's participation on equal terms with men, increase citizen participation and provide civic education in requesting countries in order to consolidate and regularize the achievements of previous elections and support subsequent elections,

Noting the importance of ensuring orderly, open, fair and transparent democratic processes that preserve the right of peaceful assembly,

Noting also that the international community can contribute to creating conditions which could foster stability and security throughout the pre-election, election and post-election periods in transitional and post-conflict situations,

Reiterating that transparency is a fundamental basis for free and fair elections, which contribute to the accountability of leaders to their citizens, which, in turn, is an underpinning of democratic societies,

Acknowledging in this regard the importance of international election observation for the promotion of free and fair elections and its contribution to enhancing the integrity of election processes in requesting countries, to promoting public confidence and electoral participation and to mitigating the potential for election-related disturbances,

Acknowledging also that extending invitations regarding international electoral assistance and/or observation is the sovereign right of Member States, and welcoming the decisions of those States which have requested such assistance and/or observation,

Welcoming the support provided by Member States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts, including electoral commission staff, and observers, as well as through contributions to the United Nations Trust Fund for Electoral Assistance, the Democratic Governance Thematic Trust Fund and the United Nations Democracy Fund,

Recognizing that electoral assistance, particularly through appropriate, sustainable and cost-effective electoral technology, supports the electoral processes of developing countries,

Recognizing also the coordination challenges posed by the multiplicity of actors involved in electoral assistance both inside and outside the United Nations,

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[4] Ibid., vol. 660, No. 9464.

Welcoming the contributions made by international and regional organizations and also by non-governmental organizations to enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,

1. *Welcomes* the report of the Secretary-General;[5]

2. *Commends* the electoral assistance provided upon request to Member States by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the evolving needs and legislation of requesting countries to develop, improve and refine their electoral institutions and processes, recognizing that the responsibility for organizing free and fair elections lies with Governments;

3. *Reaffirms* that the electoral assistance provided by the United Nations should continue to be carried out in an objective, impartial, neutral and independent manner;

4. *Requests* the Under-Secretary-General for Political Affairs, in his role as United Nations focal point for electoral assistance matters, to continue to inform Member States regularly about the requests received and the nature of any assistance provided;

5. *Requests* that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, including the provision of long-term technical cooperation, that conditions exist to allow a free and fair election and that the results of the mission will be reported comprehensively and consistently;

6. *Recommends* that, throughout the time span of the entire electoral cycle, including before and after elections, as appropriate, based on a needs assessment and in accordance with the evolving needs of requesting Member States, bearing in mind sustainability and cost-effectiveness, the United Nations continue to provide technical advice and other assistance to requesting States and electoral institutions in order to help to strengthen their democratic processes;

7. *Notes with appreciation* the additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and needs-specific responses to requests for electoral assistance, encourages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in their reporting on electoral processes, and expresses its appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

8. *Acknowledges* the aim of harmonizing the methods and standards of the many intergovernmental and non-governmental organizations engaged in observing elections, and in this regard expresses appreciation for the Declaration of Principles for International Election Observation and the Code of Conduct for International Observers, which elaborate guidelines for international electoral observation.

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[5] A/64/304

9. *Recalls* the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Assistance, and, bearing in mind that the Fund is currently close to depletion, calls upon Member States to consider contributing to the Fund;

10. *Encourages* the Secretary-General, through the United Nations focal point for electoral assistance matters and with the support of the Electoral Assistance Division of the Department of Political Affairs of the Secretariat, to continue responding to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular by enhancing the capacity of national electoral institutions;

11. *Requests* the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate, including to enhance the accessibility and diversity of the roster of electoral experts and the Organization's electoral institutional memory, and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Division, to the numerous and increasingly complex and comprehensive requests from Member States for advisory services;

12. *Reiterates* the need for ongoing comprehensive coordination, under the auspices of the United Nations focal point for electoral assistance matters, between the Electoral Assistance Division and the United Nations Development Programme and the Department of Peacekeeping Operations and the Department of Field Support of the Secretariat to ensure coordination and coherence and avoid duplication of United Nations electoral assistance, and encourages further engagement of the Office of the United Nations High Commissioner for Human Rights in this context;

13. *Requests* the United Nations Development Programme to continue its democratic governance assistance programmes in cooperation with other relevant organizations, in particular those that promote the strengthening of democratic institutions and linkages between civil society and Governments;

14. *Reiterates* the importance of reinforced coordination within and outside the United Nations system, and reaffirms the role of the United Nations focal point for electoral assistance in ensuring system-wide coherence and consistency and in strengthening the institutional memory and the development and dissemination of electoral policies;

15. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance, and on his efforts to enhance support by the Organization for the democratization process in Member States.

Draft resolution II
Combating defamation of religions

The General Assembly,

Reaffirming the pledge made by all States, under the Charter of the United Nations, to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to race, sex, language or religion,

Recalling the relevant international instruments on the elimination of discrimination, in particular the International Convention on the Elimination of All Forms of Racial Discrimination,[1] the International Covenant on Civil and Political Rights,[2] the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[3] the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live[4] and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[5]

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the relevant resolutions of the Commission on Human Rights and the Human Rights Council in this regard,

Welcoming the resolve expressed in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000[6] to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

Underlining in this regard the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001[7] and the outcome document of the Durban Review Conference, held in Geneva in April 2009,[8] welcoming the progress achieved in implementing them, and emphasizing that they constitute a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Expressing serious concern at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result, inter alia, of the resurgence of activities of political parties and associations established on the basis of racist, xenophobic and

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[1] United Nations, *Treaty Series*, vol. 660, No. 9464.
[2] See resolution 2200 A (XXI), annex.
[3] See resolution 36/55.
[4] Resolution 40/144, annex.
[5] Resolution 47/135, annex.
[6] See resolution 55/2.
[7] See A/CONF.189/12 and Corr.1, chap. I.
[8] A/CONF.211/8.

ideological superiority platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Deeply alarmed at the rising trends towards discrimination based on religion or belief, including in some national policies, laws and administrative measures that stigmatize groups of people belonging to certain religions and beliefs under a variety of pretexts relating to security and irregular immigration, thereby legitimizing discrimination against them and consequently impairing their enjoyment of the right to freedom of thought, conscience and religion and impeding their ability to observe, practise and manifest their religion freely and without fear of coercion, violence or reprisal,

Noting with deep concern the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world, in addition to the negative projection of certain religions in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target persons with certain ethnic and religious backgrounds, particularly Muslim minorities following the events of 11 September 2001, and that threaten to impede their full enjoyment of human rights and fundamental freedoms,

Stressing that the defamation of religions is a serious affront to human dignity leading to the illicit restriction of the freedom of religion of their adherents and incitement to religious hatred and violence,

Stressing also the need to effectively combat defamation of all religions, and incitement to religious hatred in general,

Reaffirming that discrimination on the grounds of religion or belief constitutes a violation of human rights and a disavowal of the principles of the Charter,

Noting with concern that the defamation of religions, and incitement to religious hatred in general, could lead to social disharmony and violations of human rights, and alarmed at the inaction of some States to combat this burgeoning trend and the resulting discriminatory practices against adherents of certain religions,

Taking note of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted to the Human Rights Council at its fourth, sixth, ninth and twelfth[9] sessions, in which the Special Rapporteur highlighted the serious nature of the defamation of all religions and the need to complement legal strategies, and reiterating the call of the Special Rapporteur to all States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance between the defence of secularism and respect for freedom of religion and by acknowledging and respecting the complementarity of all the freedoms embodied in internationally agreed human rights instruments, including the International Covenant on Civil and Political Rights,[2]

Recalling the proclamation of the Global Agenda for Dialogue among Civilizations,[10] and inviting States, the organizations and bodies of the United

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[9] A/HRC/4/19, A/HRC/6/6, A/HRC/9/12 and A/HRC/12/38.

[10] See resolution 56/6.

Nations system, within existing resources, other international and regional organizations and civil society to contribute to the implementation of the Programme of Action contained in the Global Agenda,

Welcoming the efforts of the Alliance of Civilizations initiative in promoting mutual respect and understanding among different cultures and societies, including its first forum in Spain in 2008, its second forum in Turkey in 2009, its third forum, to be held in Brazil in 2010, and its fourth forum, to be held in Qatar in 2011,

Recognizing the valuable contributions of all religions and beliefs to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of common values,

Convinced that respect for cultural, ethnic, religious and linguistic diversity, as well as dialogue among and within civilizations, are essential for peace, understanding and friendship among individuals and people of the different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards people belonging to different cultures, religions and beliefs give rise to polarization and disturb social cohesion, generating hatred and violence among peoples and nations throughout the world,

Underlining the important role of education in the promotion of tolerance, which involves acceptance by the public of, and its respect for, diversity, including with regard to religious expressions, and underlining also the fact that education should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

Reaffirming the need for all States to continue their national and international efforts to enhance dialogue and broaden understanding among civilizations, cultures, religions and beliefs, and emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for and freedom of religion and belief,

Welcoming all international and regional initiatives aimed at promoting cross-cultural and interfaith harmony, including the international dialogue on interfaith cooperation, the World Conference on Dialogue, held in Madrid from 16 to 18 July 2008, and the high-level meeting of the General Assembly on the culture of peace, held on 12 and 13 November 2008, and their valuable efforts towards the promotion of a culture of peace and dialogue at all levels, and taking note with appreciation of the programmes led by the United Nations Educational, Scientific and Cultural Organization in this regard,

Underlining the importance of increasing contacts at all levels in order to deepen dialogue and reinforce understanding among different cultures, religions, beliefs and civilizations, and in this regard taking note with appreciation of the Declaration and Programme of Action adopted by the Ministerial Meeting on Human Rights and Cultural Diversity of the Movement of Non-Aligned Countries, held in Tehran on 3 and 4 September 2007,[1]

Recognizing the importance of the intersection of religion and race and that instances can arise of multiple or aggravated forms of discrimination on the basis of

[1] A/62/464, annex.

religion and other grounds, such as race, colour, descent or national or ethnic origin,[12]

Recalling its resolution 63/171 of 18 December 2008,

1. *Takes note* of the report of the Secretary-General;[13]

2. *Expresses deep concern* at the negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still evident in the world;

3. *Strongly deplores* all acts of psychological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as targeting of holy sites and religious symbols of all religions;

4. *Expresses deep concern* at the programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating stereotypes about certain religions, in particular when condoned by Governments;

5. *Notes with deep concern* the intensification of the overall campaign of the defamation of religions, and incitement to religious hatred in general, including the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;

6. *Recognizes* that, in the context of the fight against terrorism, defamation of religions and incitement to religious hatred in general become aggravating factors that contribute to the denial of fundamental rights and freedoms of members of target groups, as well as their economic and social exclusion;

7. *Expresses deep concern* in this respect that Islam is frequently and wrongly associated with human rights violations and terrorism;

8. *Reiterates* the commitment of all States to the implementation, in an integrated manner, of the United Nations Global Counter-Terrorism Strategy, which was adopted without a vote by the General Assembly on 8 September 2006[14] and reaffirmed by the Assembly in its resolution 62/272 of 5 September 2008, and which clearly confirms, inter alia, that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group, stressing the need to reinforce the international community's commitment to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures and prevent the defamation of religions;

9. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or

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[12] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 18* (A/62/18), annex V, pp. 123-133 and 134-140; CERD/C/63/CO/11, para. 20 (10 December 2003); CERD/C/63/CO/6, para. 14 (10 December 2003); CERD/C/NGA/CO/18, para. 20 (1 November 2005); CERD/C/TZA/CO/16, para. 20 (1 November 2005); CERD/C/IRL/CO/2, para. 18 (14 April 2005); and CERD/C/RUS/CO/19, paras. 16 and 17 (20 August 2008).

[13] A/64/209.

[14] Resolution 60/288.

related intolerance and discrimination against any religion, as well as targeting of religious symbols;

10. *Emphasizes* that, as stipulated in international human rights law, everyone has the right to hold opinions without interference and has the right to freedom of expression, the exercise of which carries with it special duties and responsibilities and may therefore be subject to limitations as are provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals;

11. *Reaffirms* that general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination,[15] in which the Committee stipulated that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

12. *Takes note* of the work undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in accordance with their mandates defined by the Human Rights Council in its resolutions 7/34 and 7/36 of 28 March 2008;[16]

13. *Strongly condemns* all manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against national or ethnic, religious and linguistic minorities and migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges all States to apply and, where applicable, reinforce existing laws when such xenophobic or intolerant acts, manifestations or expressions occur in order to eradicate impunity for those who commit xenophobic and racist acts;

14. *Reaffirms* the obligation of all States to enact the necessary legislation to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and encourages States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,[7] to include aspects relating to national or ethnic, religious and linguistic minorities in their national plans of action and, in this context, to take forms of multiple discrimination against minorities fully into account;

15. *Invites* all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;[7]

16. *Urges* all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from the defamation of religions, and incitement to religious hatred in general;

17. *Also urges* all States to take all possible measures to promote tolerance and respect for all religions and beliefs and the understanding of their value systems

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[15] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

[16] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

18. *Recognizes* that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

19. *Welcomes* the recent steps taken by Member States to protect freedom of religion through the enactment or strengthening of domestic frameworks and legislation to prevent the defamation of religions and the negative stereotyping of religious groups;

20. *Urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect people regardless of their different religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that any necessary and appropriate education or training is provided;

21. *Underscores* the need to combat defamation of religions, and incitement to religious hatred in general, by strategizing and harmonizing actions at the local, national, regional and international levels through education and awareness-raising, and urges all States to ensure equal access to education for all, in law and in practice, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education based on respect for human rights, diversity and tolerance, without discrimination of any kind, and to refrain from any legal or other measures leading to racial segregation in access to schooling;

22. *Calls upon* all States to exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected, and to take additional measures in cases where they are vulnerable to desecration or destruction;

23. *Calls upon* the international community to foster a global dialogue to promote a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religion and belief, and urges States, non-governmental organizations, religious leaders and bodies and the print and electronic media to support and foster such a dialogue;

24. *Affirms* that the Human Rights Council shall promote universal respect for all religious and cultural values and address instances of intolerance, discrimination and incitement of hatred against members of any community or adherents of any religion, as well as the means to consolidate international efforts in order to combat impunity for such deplorable acts;

25. *Welcomes* the initiative by the United Nations High Commissioner for Human Rights on the expert seminar on freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, held on 2 and 3 October 2008, and requests the High Commissioner to continue to build on this initiative, with a view to concretely contributing to the prevention and elimination of all such forms of incitement and the consequences of negative

stereotyping of religions or beliefs, and their adherents, on the human rights of those individuals and their communities;

26. *Takes note* of the efforts of the High Commissioner to promote and include human rights aspects in educational programmes, particularly the World Programme for Human Rights Education proclaimed by the General Assembly on 10 December 2004,[17] and calls upon the High Commissioner to continue those efforts, with particular focus on:

(a) The contributions of cultures, as well as religious and cultural diversity;

(b) Collaboration with other relevant bodies of the United Nations system and regional and international organizations in holding joint conferences designed to encourage dialogue among civilizations and promote understanding of the universality of human rights and their implementation at various levels, in particular the Office of the United Nations High Representative for the Alliance of Civilizations, the United Nations Educational, Scientific and Cultural Organization and the unit within the Secretariat mandated to interact with various entities within the United Nations system and coordinate their contribution to the intergovernmental process;

27. *Requests* the Secretary-General to submit a report on the implementation of the present resolution, including the correlation between defamation of religions and the intersection of religion and race, the upsurge in incitement, intolerance and hatred in many parts of the world and steps taken by States to combat this phenomenon, to the General Assembly at its sixty-fifth session.

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[17] See resolutions 59/113 A and B.

Draft resolution III
Promotion of a democratic and equitable international order

The General Assembly,

Recalling its previous resolutions on the promotion of a democratic and equitable international order, including resolution 63/189 of 18 December 2008, and taking note of Human Rights Council resolution 8/5 of 18 June 2008,[1]

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law as set forth in Articles 1 and 2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[2] can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practise tolerance and good-neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

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[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. III, sect. A.

[2] Resolution 217 A (III).

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based on common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Concerned that the current global economic, financial, energy and food crises, resulting from a combination of several major factors, including macroeconomic and other factors, such as environmental degradation, desertification and global climate change, natural disasters and the lack of financial resources and the technology necessary to confront their negative impact in developing countries, particularly in the least developed countries and small island developing States, represent a global scenario that is threatening the adequate enjoyment of all human rights and is widening the gap between developed and developing countries,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures, at the global level, that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

Stressing also the need for adequate financing of and technology transfer to developing countries, in particular the landlocked developing countries and small

island developing States, including to support their efforts to adapt to climate change,

Having listened to the peoples of the world, and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Calls upon* all Member States to fulfil their commitment expressed in Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity,[3] and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

4. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principles of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

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[3] See A/CONF.189/12 and Corr.1, chap. I.

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development as well as threats to international peace and security that should be exercised multilaterally;

5. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds in the enhancement of international cooperation in the field of human rights;

6. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective

disarmament measures are used for comprehensive development, in particular that of the developing countries;

9. *Also reaffirms* the need to continue working urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations;[4]

10. *Further reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

11. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

12. *Requests* the Human Rights Council, the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights, the special mechanisms extended by the Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

13. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

14. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

15. *Decides* to continue consideration of the matter at its sixty-fifth session under the item entitled "Promotion and protection of human rights".

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[4] See resolution 3201 (S-VI) and 3202 (S-VI).

Draft resolution IV
Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant instruments,

Deeply convinced that United Nations action in the field of human rights should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Recalling its previous resolutions in this regard,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] and the elimination of double standards,

Affirming the importance of the objectivity, independence, impartiality and discretion of the special rapporteurs and representatives on thematic issues and on countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. *Reiterates* that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/CONF.157/24 (Part I), chap. III.

peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. *Reaffirms* that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. *Calls upon* all Member States to base their activities for the promotion and protection of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[2] and other relevant international instruments, and to refrain from activities that are inconsistent with that international framework;

4. *Considers* that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms for all, as a legitimate concern of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. *Requests* all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

7. *Expresses its conviction* that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

8. *Stresses*, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. *Invites* Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. *Requests* the Human Rights Council to continue taking duly into account the present resolution and to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of the principles of non-selectivity, impartiality and objectivity, including in the context of the universal periodic review;

11. *Requests* the Secretary-General to invite Member States and intergovernmental and non-governmental organizations to present further practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on the question to the General Assembly at its sixty-sixth session;

12. *Decides* to consider the matter at its sixty-sixth session under the item entitled "Promotion and protection of human rights".

Draft resolution V
The right to food

The General Assembly,

Reaffirming all previous resolutions and decisions on the right to food adopted within the framework of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition[2] and the United Nations Millennium Declaration,[3] in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015,

Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights,[4] in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action[5] and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[6]

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[7]

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of

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[1] Resolution 217 A (III).

[2] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[3] See resolution 55/2.

[4] See resolution 2200 A (XXI), annex.

[5] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10-13 June 2002*, part one, appendix; see also A/57/499, annex.

[7] Food and Agriculture Organization of the United Nations, *Report of the Council of the Food and Agriculture Organization of the United Nations, One Hundred and Twenty-seventh Session, Rome, 22-27 November 2004* (CL 127/REP), appendix D; see also E/CN.4/2005/131, annex.

refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the complex character of the global food crisis, in which the right to adequate food is threatened to be violated on a massive scale, is a combination of several major factors, such as the global financial and economic crisis, environmental degradation, desertification and the impacts of global climate change, as well as natural disasters and the lack in many countries of the appropriate technology, investment and capacity-building necessary to confront its impact, particularly in developing countries, least developed countries and small island developing States,

Resolved to act to ensure that the human rights perspective is taken into account at the national, regional and international levels in measures to address the current global food crisis,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Recognizing the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all,

Recognizing also the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

Taking note of the final Declaration adopted at the International Conference on Agrarian Reform and Rural Development of the Food and Agriculture Organization of the United Nations in Porto Alegre, Brazil, on 10 March 2006,[8]

Acknowledging the High-level Task Force on the Global Food Security Crisis established by the Secretary-General, and supporting the Secretary-General in his continuing efforts in this regard, including continued engagement with Member States and the Special Rapporteur of the Human Rights Council on the right to food,

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[8] Food and Agriculture Organization of the United Nations, *Report of the International Conference on Agrarian Reform and Rural Development, Porto Alegre, Brazil, 7-10 March 2006* (C 2006/REP), appendix G.

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 do so from hunger-related illness, and that, as estimated by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished has grown to about 1.02 billion worldwide, including as a result of the global food crisis, while, according to the latter organization, the planet could produce enough food to feed everyone around the world;

4. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases and that it is estimated that almost twice as many women as men suffer from malnutrition;

5. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

6. *Encourages* the Special Rapporteur of the Human Rights Council on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

7. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive of and accessible to persons with disabilities;

8. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

9. *Recognizes* the advances reached through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

10. *Stresses* that improving access to productive resources and public investment in rural development are essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

11. *Recognizes* that 80 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element for food security and the provision of the right to food;

12. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;[9]

13. *Urges* States that have not yet done so to become parties to the Convention on Biological Diversity and to consider becoming States Parties to the International Treaty on Plant Genetic Resources for Food and Agriculture as a matter of priority;

14. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples[10] and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face for the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

15. *Notes* the need to further examine various concepts such as, inter alia, "food sovereignty" and their relation with food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times;

16. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

17. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

18. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including

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[9] United Nations, *Treaty Series*, vol. 1954, No. 33480.

[10] Resolution 61/295, annex.

external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

19. *Calls for* the early conclusion and a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions that permit the full realization of the right to food;

20. *Stresses* that all States should make all efforts to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

21. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

22. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and invites once again all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[5] and the United Nations Millennium Declaration;[3]

23. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

24. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

25. *Stresses* the importance of international cooperation and development assistance as an effective contribution both to the expansion and improvement of agriculture and its environmental sustainability, food production, breeding projects on diversity of crops and livestock, institutional innovations such as community seed banks, farmer field schools and seed fairs, and to the provision of humanitarian food assistance in activities related to emergency situations, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

26. *Also stresses* that States parties to the World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights[11] should consider implementing that agreement in a manner supportive of food security, while mindful of the obligation of Member States to promote and protect the right to food;

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[11] See *Legal Instruments Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, done at Marrakesh on 15 April 1994* (GATT secretariat publication, Sales No. GATT/1994-7).

27. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

28. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

29. *Takes note with appreciation* of the interim report of the Special Rapporteur;[12]

30. *Supports* the realization of the mandate of the Special Rapporteur, as extended by the Human Rights Council in its resolution 6/2 of 27 September 2007;[13]

31. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

32. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights),[14] in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

33. *Recalls* General Comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant),[15] in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;

34. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[7] represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus

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[12] See A/64/170.

[13] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

[14] See *Official Records of the Economic and Social Council, 2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V.

[15] Ibid., *2003, Supplement No. 2* (E/2003/22), annex IV.

provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

35. *Welcomes* the continued cooperation of the High Commissioner, the Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

36. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

37. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fifth session on the implementation of the present resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

38. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors and non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

39. *Decides* to continue the consideration of the question at its sixty-fifth session under the item entitled "Promotion and protection of human rights".

Draft resolution VI
Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing, in particular, the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2]

Recalling also the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,[3]

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the United Nations Millennium Declaration[4] and the outcome documents of the twenty-third[5] and twenty-fourth[6] special sessions of the General Assembly, held in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000, respectively,

Recalling also its resolution 63/176 of 18 December 2008,

Recalling further Commission on Human Rights resolution 2005/17 of 14 April 2005 on globalization and its impact on the full enjoyment of all human rights,[7]

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights,

Emphasizing the need to fully implement the global partnership for development and enhance the momentum generated by the 2005 World Summit in

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[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

[3] See resolution 2200 A (XXI), annex.

[4] See resolution 55/2.

[5] Resolution S-23/2, annex, and resolution S-23/3, annex.

[6] Resolution S-24/2, annex.

[7] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

order to operationalize and implement the commitments made in the outcomes of the major United Nations conferences and summits, including the 2005 World Summit, in the economic, social and related fields, and reaffirming in particular the commitment contained in paragraphs 19 and 47 of the 2005 World Summit Outcome[8] to promote fair globalization and the development of the productive sectors in developing countries to enable them to participate more effectively in and benefit from the process of globalization,

Realizing the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware of the risk that globalization poses more of a threat to cultural diversity if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy,

Expressing concern at the negative impact of international financial turbulence on social and economic development and on the full enjoyment of all human rights, particularly in the light of the current global financial and economic crisis, which has an adverse impact on the realization of the internationally agreed development goals, particularly the health-related Millennium Development Goals,

Expressing deep concern at the negative impact of the rising global food and energy challenges and climate change on social and economic development and on the full enjoyment of all human rights for all,

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equity, participation, accountability, non-discrimination at both the national and the international levels, respect for diversity, tolerance and international cooperation and solidarity,

Emphasizing that the existence of widespread extreme poverty inhibits the full realization and effective enjoyment of human rights, and that its immediate alleviation and eventual elimination must remain a high priority for the international community,

Strongly reiterating the determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the Millennium Summit that are described as the Millennium Development Goals, which have helped galvanize efforts towards poverty eradication,

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[8] See resolution 60/1.

Deeply concerned at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, and within countries, which has contributed, inter alia, to deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Underlining that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Emphasizes* that development should be at the centre of the international economic agenda and that coherence between national development strategies and international obligations and commitments is imperative for an enabling environment for development and an inclusive and equitable globalization;

3. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

4. *Also reaffirms* the commitment to create an environment at both the national and the global levels that is conducive to development and to the elimination of poverty through, inter alia, promoting good governance within each country and at the international level, avoiding protectionism, enhancing transparency in the financial, monetary and trading systems, and committing to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

5. *Recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

6. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,[9] which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

7. *Reaffirms* the international commitment to eliminating hunger and to securing food for all, today and tomorrow, and reiterates that the relevant United Nations organizations should be assured the resources needed to expand and enhance their food assistance, and support safety net programmes designed to address hunger and malnutrition, when appropriate, through the use of local or regional purchase;

8. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote equitable and environmentally sustainable economic growth for managing globalization so that

[9] E/CN.4/2002/54.

poverty is systematically reduced and the international development targets are achieved;

9. *Recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

10. *Underlines* the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting;

11. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

12. *Also affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that promotes and protects human rights while ensuring respect for the cultural diversity of all;

13. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

14. *Takes note* of the report of the Secretary-General,[10] and requests him to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the General Assembly at its sixty-fifth session a substantive report on the subject based on these views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

[10] A/63/259.

Draft resolution VII
National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its previous resolutions, the most recent of which is resolution 63/172, and those of the Commission on Human Rights concerning national institutions and their role for the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles"),[1]

Reaffirming the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms, in strengthening participation and the rule of law, and in developing and enhancing public awareness of those rights and freedoms,

Recognizing the important role of the United Nations, and in particular the Office of the United Nations High Commissioner for Human Rights, in assisting the development of independent and effective national human rights institutions, guided by the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation among the United Nations, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and those national institutions in the promotion and protection of human rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations, in disseminating information on human rights and in education in human rights,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds, and that all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions, at their meeting held in Vienna in June 1993 during the World Conference on Human Rights,[3] for the promotion and protection of human rights, in which it was recommended that United Nations activities and programmes should be reinforced

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[1] Resolution 48/134, annex.

[2] A/CONF.157/24 (Part I), chap. III.

[3] See A/CONF.157/NI/6.

to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Taking note with appreciation of the reports of the Secretary-General to the Human Rights Council on national institutions for the promotion and protection of human rights[4] and on the accreditation process of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights,[5]

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions, noting with appreciation the continuing work of the European Group of National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia Pacific Forum of National Human Rights Institutions and the Network of African National Human Rights Institutions and encouraging them to participate in the workshop on regional arrangements to be organized by the Office of the High Commissioner for Human Rights in 2010,

1. *Takes note with appreciation* of the report of the Secretary-General[6] and the conclusions contained therein;

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in accordance with the Paris Principles;[1]

3. *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

4. *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

5. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[2] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

6. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action;[2]

7. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

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[4] A/HRC/10/54.
[5] A/HRC/10/55.
[6] A/64/320.

8. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

9. *Recognizes* the role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, as well as in the human rights treaty bodies, in accordance with Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007[7] and Commission on Human Rights resolution 2005/74 of 20 April 2005;[8]

10. *Stresses* the importance of financial and administrative independence and the stability of national human rights institutions for the promotion and protection of the human rights, and notes with satisfaction the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

11. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions;

12. *Underlines* the importance of the autonomy and independence of the Ombudsman institutions, encourages increased cooperation between national human rights institutions and regional and international associations of Ombudsmen, also encourages the Ombudsman institutions to actively draw on the standards enumerated in international instruments and the Paris Principles to strengthen their independence and increase their capacity to act as national human rights protection mechanisms, and, in this regard, reaffirms General Assembly resolution 63/169 on the role of Ombudsman institutions;

13. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional voluntary funds to that end;

14. *Requests* the Secretary-General to continue to provide the necessary assistance for holding international and regional meetings of national institutions, including meetings of the International Coordinating Committee of National Institutions, in cooperation with the Office of the High Commissioner for Human Rights;

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[7] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

[8] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

15. *Encourages* national institutions, including Ombudsman institutions, to seek accreditation status through the International Coordinating Committee of National Institutions;

16. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

17. *Encourages* all United Nations human rights mechanisms as well as agencies, funds and programmes to work within their respective mandates with Member States and national institutions in the promotion and protection of human rights with respect to, inter alia, projects in the area of good governance and rule of law, and in this regard welcomes the efforts made by the High Commissioner to develop partnerships in support of national institutions;

18. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.

Draft resolution VIII
Protection of and assistance to internally displaced persons

The General Assembly,

Recalling that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,[1]

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing that natural disasters are a cause of internal displacement and concerned about factors, such as climate change, that are expected to exacerbate the impact of natural hazards, and climate-related slow-onset events,

Recognizing also that the consequences of hazards can be prevented or substantially mitigated by integrating disaster risk reduction strategies into national development policies and programmes,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons, including in long-term displacement situations, and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Reaffirming that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against being arbitrarily displaced,[2]

Noting the international community's growing awareness of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country,

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[1] Guiding Principles on Internal Displacement, introduction, paragraph 2; see E/CN.4/1998/53/Add.2, annex.

[2] Guiding Principles on Internal Displacement, principle 6.

Recalling the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,

Noting, in this regard, that 2009 marks the sixtieth anniversary of the Geneva Conventions of 1949,[3] which constitute one vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

Welcoming the adoption on 22 October 2009 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons,

Welcoming also the increasing dissemination, promotion and application of the Guiding Principles when dealing with situations of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of population as a crime against humanity, and the unlawful deportation, transfer, or ordering the displacement of the civilian population as war crimes,[4]

Welcoming the cooperation established between the Representative of the Secretary-General on the human rights of internally displaced persons and national Governments, the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[5] regarding the need to develop global strategies to address the problem of internal displacement,

Recalling also its resolution 62/153 of 18 December 2007 and Human Rights Council resolution 6/32 of 14 December 2007,[6]

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[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[4] Art. 7, paras. 1 (d) and 2 (d), and art. 8, paras. 2 (a) (vii) and 2 (e) (viii) (see United Nations, *Treaty Series*, vol. 2187, No. 38544).

[5] A/CONF.157/24 (Part I), chap. III.

[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

1. *Welcomes* the report of the Representative of the Secretary-General on the human rights of internally displaced persons and its conclusions and recommendations;[7]

2. *Commends* the Representative of the Secretary-General for the activities undertaken so far, for the catalytic role that he plays in raising the level of awareness about the plight of internally displaced persons and for his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

3. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement and of the needs and human rights of those displaced, to continue the development of benchmarks for achieving durable solutions and measures of prevention, including early warning, as well as ways to strengthen protection, assistance and durable solutions for internally displaced persons, and to continue to promote comprehensive strategies, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

4. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

5. *Calls upon* States to provide durable solutions and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, and in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons;

6. *Expresses* particular concern at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Representative of the Secretary-General to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and of the Security Council and giving appropriate consideration to annex I to the report of the Special Representative of the Secretary-General for Children and Armed Conflict[8] entitled "Rights and guarantees for internally displaced children";

7. *Emphasizes* the importance of consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as the participation of internally displaced persons, where appropriate, in programmes and activities pertaining to them, taking into account the primary

[7] See A/64/214.

[8] See A/64/254, annex I.

responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

8. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace process, are necessary elements of effective peacebuilding;

9. *Welcomes* the role of the Peacebuilding Commission in this regard, and continues to urge the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

10. *Recognizes* the Guiding Principles on Internal Displacement[1] as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

11. *Welcomes* the ongoing use of the Guiding Principles by the Representative of the Secretary-General in his dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

12. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement, in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues of internal displacement, and through the allocation of budget resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

13. *Expresses its appreciation* that an increasing number of States have adopted domestic legislation and policies dealing with all stages of displacement;

14. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Representative for visits so as to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

15. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions

addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

16. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons, and by maintaining the civilian and humanitarian character of camps and settlements for internally displaced persons where they exist;

17. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, welcomes continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them, and emphasizes the need to strengthen the capacities of the United Nations organizations and other relevant actors to meet the immense humanitarian challenges of internal displacement;

18. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the Representative of the Secretary-General, and requests the continued participation of the Representative in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

19. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated appeals process, and encourages further efforts in this regard;

20. *Also notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

21. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources and relevant data on situations of internal displacement;

22. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

23. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Office of the United Nations High Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs and the Office of the United

Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies, to continue to support the Representative;

24. *Encourages* the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

25. *Requests* the Representative of the Secretary-General to prepare, for the General Assembly at its sixty-fifth and sixty-sixth sessions, a report on the implementation of the present resolution;

26. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-sixth session.

Draft resolution IX
Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also all previous resolutions on this subject, in particular its resolution 62/152 of 18 December 2007 and Human Rights Council resolution 7/8 of 27 March 2008,[1]

Noting with deep concern that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats and harassment and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of civil or criminal proceedings,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Gravely concerned also by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and by the fact that in many countries impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

Gravely concerned further by the considerable number of communications received by the Special Rapporteur on the situation of human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicates the serious nature of the risks faced by human rights defenders, in particular women human rights defenders,

Stressing the important role that individuals, civil society organizations, non-governmental organizations, groups, organs of society and independent national institutions play in the promotion and protection of all human rights and fundamental freedoms for all, including in addressing all forms of human rights violations, combating impunity, fighting poverty and discrimination, and promoting access to justice, democracy, tolerance, human dignity and the right to development, and recalling that all have rights as well as responsibilities and duties within and towards the community,

Recognizing the substantial role that human rights defenders can play in supporting efforts to strengthen peace and development, through dialogue, openness,

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[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II, sect. A.

participation and justice, including by monitoring, reporting on and contributing to the promotion and protection of human rights,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[2] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001,

Welcoming the cooperation between the Special Rapporteur and other special procedures of the Human Rights Council, as well as other relevant United Nations bodies, offices, departments, specialized agencies and personnel, both at Headquarters and at the country level, within their mandates,

Welcoming also regional initiatives for the promotion and protection of human rights and the strengthened cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Welcoming further the steps taken by some States towards adopting national policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including as follow-up to the universal periodic review mechanism of the Human Rights Council,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, reaffirming that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders conduct their activities, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,[3] including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Rapporteur on the situation of human rights defenders[4] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to prevent and eliminate such human rights violations;

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[2] See resolution 2200 A (XXI), annex.

[3] Resolution 53/144, annex.

[4] See A/63/288 and A/64/226.

4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both local and national levels, including in times of armed conflict and peacebuilding;

5. *Also calls upon* States to respect, protect and ensure the rights to freedom of expression and association of human rights defenders and, in this regard, to ensure, where procedures governing registration of civil society organizations exist, that these are transparent, non-discriminatory, expeditious, inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security are in compliance with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;

7. *Also urges* States to take appropriate measures to address the question of impunity for attacks, threats and acts of intimidation, including cases of gender-based violence, against human rights defenders and their relatives, including by ensuring that complaints from human rights defenders are promptly investigated and addressed in a transparent, independent and accountable manner;

8. *Further urges* all States to cooperate with and assist the Special Rapporteur in the performance of her/his mandate and to provide all information in a timely manner, as well as to respond without undue delay to communications transmitted to them by the Special Rapporteur;

9. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her/his recommendations, so as to enable the Special Rapporteur to fulfil her/his mandate even more effectively;

10. *Strongly encourages* States to translate the Declaration and to take measures to ensure its widest possible dissemination at national and local levels;

11. *Encourages* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities, and members of the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for individuals, groups and organs of society engaged in promoting and defending human rights, as well as for their work;

12. *Encourages* relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Rapporteur, and, in this context, requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Rapporteur;

13. *Requests* the Office of the High Commissioner, as well as other relevant United Nations bodies, offices, departments and specialized agencies, within their respective mandates, to consider ways in which they can assist States in strengthening the role and security of human rights defenders, including in situations of armed conflict and peacebuilding;

14. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of her/his mandate, including through country visits;

15. *Requests* the Special Rapporteur to continue to report annually on her/his activities to the General Assembly and to the Human Rights Council in accordance with her/his mandate;

16. *Decides* to consider the question at its sixty-sixth session under the item entitled "Promotion and protection of human rights".

Draft resolution X
Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights[2] and other relevant human rights provisions,

Recalling further its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 63/181 of 18 December 2008, as well as Human Rights Council resolution 10/25 of 27 March 2009,

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Reaffirming that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

Deeply concerned at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as at the Durban Review Conference,

Concerned that acts of violence, or credible threats of violence, against persons belonging to religious minorities are sometimes tolerated or encouraged by official authorities,

Expressing deep concern at all forms of discrimination and intolerance, including prejudices against persons and derogatory stereotyping of persons, based on religion or belief,

Concerned about the rise in the number of laws or regulations that limit the freedom of religion or belief and the implementation of existing laws in a discriminatory manner,

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[1] See resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

Convinced of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women as well as other individuals on the grounds or in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations, as well as other relevant instruments of the United Nations,

Seriously concerned at all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all persons, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

4. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing;

5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

6. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

7. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to

manifest one's religion or belief, and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

8. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

9. *Emphasizes* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

10. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

11. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(c) To end violations of the human rights of women and to devote particular attention to abolish practices that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(d) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and opportunity to have access, on general terms of equality, to public services in one's country, without any discrimination on the basis of religion or belief;

(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, alone or in community with others and in public or private;

(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning one's religious affiliation on such documents against one's will;

(g) To ensure, in particular, the right of all persons to worship or assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(h) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction;

(i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(k) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(l) To promote, through education and other means, understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging a wider knowledge in the society at large of the history, traditions, languages and culture of the various religious minorities existing within their jurisdiction;

(m) To prevent any distinction, exclusion, restriction or preference based on religion or belief which impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

12. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

13. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[3] and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

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[3] See resolution 36/55.

14. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

15. *Welcomes* the work and the interim report of the Special Rapporteur on freedom of religion or belief;[4]

16. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to her requests to visit their countries and to provide all necessary information for the effective fulfilment of her mandate;

17. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge her mandate;

18. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fifth session;

19. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-fifth session under the item entitled "Promotion and protection of human rights".

[4] See A/64/159.

Draft resolution XI
Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000 concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000, section III of its resolution 55/234 of 23 December 2000, its resolution 56/253 of 24 December 2001 and its resolutions 58/176 of 22 December 2003, 59/183 of 20 December 2004, 60/151 of 16 December 2005, 61/158 of 19 December 2006, 62/221 of 22 December 2007 and 63/177 of 18 December 2008 on the Subregional Centre for Human Rights and Democracy in Central Africa,

Recalling further that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,[1]

Recalling the report of the High Commissioner,[2]

Taking note of the holding of the twenty-eighth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, in Libreville from 4 to 8 May 2009,

Taking note also of the report of the Secretary-General,[3]

Welcoming the 2005 World Summit Outcome,[4] in particular the decision confirmed therein to double the regular budget of the Office of the High Commissioner over the next five years,

1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;

2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Takes note* of the implementation of the three-year strategy (2007-2009) for the Centre, which aims to reinforce its activities;[5]

4. *Welcomes* the brainstorming session held on 28 May 2009 in Yaoundé between the Centre and the ambassadors of the subregion as well as the main Cameroonian ministries on possible orientations and activities of the Centre for the period 2009-2011, and encourages the Director of the Centre to institutionalize such exchanges in the future;

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[1] See A/CONF.157/24 (Part I), chap. III.

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36*, addendum (A/56/36/Add.1).

[3] A/64/333.

[4] See resolution 60/1.

[5] See A/62/317, paras. 14-19.

5. *Notes* the efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to ensure the full implementation of the relevant resolutions of the General Assembly[6] in order to provide sufficient funds and human resources for the missions of the Centre;

6. *Requests* the Secretary-General and the High Commissioner to continue to provide additional funds and human resources within the existing resources of the Office of the United Nations High Commissioner for Human Rights to enable the Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy and the rule of law in the Central African subregion;

7. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session a report on the implementation of the present resolution.

[6] See resolutions 61/158 and 62/221.

Draft resolution XII
Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 63/184 of 18 December 2008, and recalling also Human Rights Council resolution 12/6 of 1 October 2009,

Reaffirming the Universal Declaration of Human Rights,[1] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country,

Recalling the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Convention on the Rights of the Child,[5] the International Convention on the Elimination of All Forms of Racial Discrimination,[6] the Convention on the Rights of Persons with Disabilities,[7] the Vienna Convention on Consular Relations[8] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[9]

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[10] which recognizes that migrant workers are among the most vulnerable in the context of the current crisis,

Recalling further Commission on Population and Development resolutions 2006/2[11] of 10 May 2006 and 2009/1[12] of 3 April 2009,

Taking note with appreciation of the *Human Development Report 2009* of the United Nations Development Programme, entitled "Overcoming barriers: Human mobility and development",[13]

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[4] Ibid., vol. 1249, No. 20378.

[5] Ibid., vol. 1577, No. 27531.

[6] Ibid., vol. 660, No. 9464.

[7] Resolution 61/106, annex I.

[8] United Nations, *Treaty Series*, vol. 596, No. 8638.

[9] Ibid., vol. 2220, No. 39481.

[10] See resolution 63/303.

[11] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, para. 2.

[12] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, para. 2.

[13] United Nations Development Programme, *Human Development Report 2009* (Palgrave Macmillan, 2009).

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the judgments of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,[14] and of 19 January 2009 regarding the Request for interpretation[15] of the *Avena* judgment, and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

Recalling the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights,

Noting the second and third meetings of the Global Forum on Migration and Development, held in Manila from 27 to 30 October 2008 and in Athens from 2 to 5 November 2009, respectively, recognizing the discussion on the "Inclusion, protection and acceptance of migrants in society — linking human rights and migrant empowerment for development" as a step to address the multidimensional nature of international migration, and taking note with appreciation of the generous offers of the Governments of Mexico and Spain to host the Global Forum meetings in 2010 and 2011, respectively,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the impact of the economic and financial crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

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[14] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004*, p. 12.

[15] Request for Interpretation of the Judgment of 31 March 2004 in the Case Concerning *Avena and Other Mexican Nationals (Mexico v. United States)*, Mexico v. United States, Judgment, General List No. 139; ICGJ 349 (ICJ 2009).

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration being in accordance with the obligations of States under international law, including international human rights law,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* over the impact of the current economic and financial crisis on international migrations and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, particularly migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[1] and the obligations of States under the International Covenants on Human Rights,[2] and in this regard:

(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when

xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(b) Expresses concern at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Also calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[9] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and to raise awareness of the Convention;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its ninth and tenth sessions;[16]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Takes note with appreciation of the measures adopted by some States to reduce detention periods in cases of undocumented migration and in the application of domestic regulations and laws regarding irregular migration;

(d) Takes note with appreciation of the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of

[16] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 48* (A/64/48).

the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[8] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(i) Encourages all States to remove unlawful obstacles that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(b) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration;

(c) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(d) Encourages all States to prevent and eliminate discriminatory policies that deny migrant children access to education;

(e) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their

international obligations and commitments, the principle of the best interest of the child and family reunification;

(f) Urges States parties to the United Nations Convention against Transnational Organized Crime[17] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[18] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[19] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard, underlines the importance of adequately taking into account the human rights perspective as one of the priorities of the informal thematic debate on international migration and development, to be held in 2011, as well as in the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly, in 2013, as decided by the Assembly in its resolution 63/225 of 19 December 2008;

(c) Invites the Chairperson of the Committee to address the General Assembly at its sixty-fifth session under the item entitled "Promotion and protection of human rights";

(d) Invites the Special Rapporteur to present his reports to the General Assembly at its sixty-fifth session under the item entitled "Promotion and protection of human rights";

7. *Requests* the Secretary-General to provide the resources necessary, from within existing resources of the United Nations, for the Committee to meet for a maximum of three weeks in one session or two separate sessions in 2010, as required by the number of reports submitted to the Committee, and requests the Committee to further consider ways of improving the effectiveness of its working sessions and to report to the General Assembly on the use of its meeting time;

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[17] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[18] Ibid., vol. 2241, No. 39574.

[19] Ibid., vol. 2237, No. 39574.

8. *Also requests* the Secretary-General to report on the implementation of the present resolution at its sixty-fifth session and to include in that report an analysis of the ways and means to promote the human rights of migrants, in particular children, and decides to examine the question further under the item entitled "Promotion and protection of human rights".

Draft resolution XIII
International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for all States,

Recalling also its resolution 63/186 of 18 December 2008, as well as relevant resolutions adopted by the Human Rights Council, including resolution 10/10 of 26 March 2009,[1] in which the Council took note of the report of the Working Group on Enforced or Involuntary Disappearances and its recommendations,[2]

Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention for the Protection of All Persons from Enforced Disappearance sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Acknowledging that acts of enforced disappearance are recognized by the Convention as crimes against humanity, in certain circumstances,

Acknowledging also the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

Recognizing that the entry into force of the Convention, as soon as possible, through its ratification by twenty States, and its implementation, will be a significant contribution to ending impunity and to the promotion and protection of all human rights for all,

1. *Welcomes* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance;[3]

2. *Also welcomes* the fact that eighty-one States have signed the Convention and sixteen have ratified or acceded to it, and calls upon States that have not yet done so to consider signing, ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the

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[1] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II.
[2] A/HRC/10/9.
[3] Resolution 61/177, annex.

Convention regarding the Committee on Enforced Disappearances, with a view to its entry into force by December 2009;

3. *Further welcomes* the report of the Secretary-General on the International Convention for the Protection of All Persons from Enforced Disappearance;[4]

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue with their intensive efforts to assist States to become parties to the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue undertaking efforts to disseminate information on the Convention, to promote understanding of it, to prepare for its entry into force and to assist States parties in implementing their obligations under this instrument;

6. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on the status of the Convention and the implementation of the present resolution.

[4] A/64/171.

Draft resolution XIV
Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights,[1]

Recalling the Vienna Declaration and Programme of Action,[2]

Reaffirming further the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Reaffirming that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Reiterating the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights, refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee and international humanitarian law,

Noting with concern measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures,

Stressing that all measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law,

Recalling article 30 of the Universal Declaration of Human Rights, and reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international

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[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

community should take the necessary steps to enhance cooperation to prevent and combat terrorism,[3]

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Recognizing that respect for all human rights, respect for democracy and respect for the rule of law are interrelated and mutually reinforcing,

Reaffirming that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment, and of abiding strictly by the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] in the fight against terrorism,

Recalling its resolutions 63/185 of 18 December 2008, 62/159 of 18 December 2007, 61/171 of 19 December 2006, 60/158 of 16 December 2005, 59/191 of 20 December 2004, 58/187 of 22 December 2003 and 57/219 of 18 December 2002, Commission on Human Rights resolutions 2005/80 of 21 April 2005,[5] 2004/87 of 21 April 2004[6] and 2003/68 of 25 April 2003,[7] and other relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Council decision 2/112 of 27 November 2006[8] and Council resolutions 10/15 of 26 March 2009[9] and 7/7 of 27 March 2008,[10]

Recognizing the importance of the United Nations Global Counter-Terrorism Strategy, adopted on 8 September 2006,[11] reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

Recalling also Human Rights Council resolution 6/28 of 14 December 2007,[12] by which the Council decided to extend the mandate of the Special Rapporteur on

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[3] See sect. I, para. 17, of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[7] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[8] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. I, sect. B.

[9] Ibid., *Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[10] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[11] Resolution 60/288.

[12] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I.

the promotion and protection of human rights and fundamental freedoms while countering terrorism,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance;

3. *Expresses serious concern* at the occurrence of violations of human rights and fundamental freedoms, as well as of international refugee and humanitarian law, committed in the context of countering terrorism;

4. *Reaffirms* that counter-terrorism measures should be implemented in accordance with international law, including international human rights, refugee and humanitarian law, thereby taking full consideration of the human rights of all, including persons belonging to national or ethnic, religious and linguistic minorities, and in this regard must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin;

5. *Also reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[13] to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations,[14] and in this regard calls upon States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

6. *Urges* States while countering terrorism:

(a) To fully comply with their obligations under international law, in particular international human rights, refugee and humanitarian law, with regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or detention, benefit from the guarantees to which they are entitled under international law, including the review of the detention and other fundamental judicial guarantees;

(c) To ensure that no form of deprivation of liberty places a detained person outside the protection of the law, and respect the safeguards concerning the liberty, security and dignity of the person, in accordance with international law, including international human rights and humanitarian law;

(d) To treat all prisoners in all places of detention in accordance with international law, including international human rights and humanitarian law;

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[13] See resolution 2200 A (XXI), annex.

[14] See, for example, General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001.

(e) To respect the right of persons to be equal before the law, courts and tribunals and the right to a fair trial as provided for in international law, including international human rights law, such as the International Covenant on Civil and Political Rights and international humanitarian and refugee law;

(f) To protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;

(g) To ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly international refugee and human rights law, towards persons seeking international protection;

(h) To fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

(i) To refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular international human rights, humanitarian and refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their life or freedom would be threatened in violation of international refugee law on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned;

(j) Insofar as such an act runs contrary to their obligations under international law, not to expose individuals to cruel, inhuman or degrading treatment or punishment by way of return to another country;

(k) To ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law;

(l) Not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

(m) To ensure that the interrogation methods used against suspects of terrorism are consistent with their international obligations, and are reviewed to prevent the risk of violations of their obligations under international law, including international human rights, refugee and humanitarian law;

(n) To ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective remedy and that victims will receive adequate, effective and prompt reparations, where appropriate, including by bringing to justice those responsible for such violations;

(o) To ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights,[1] and their obligations under the

International Covenant on Civil and Political Rights,[13] the Geneva Conventions of 1949[15] and the Additional Protocols thereto, of 1977,[16] and the 1951 Convention relating to the Status of Refugees[17] and the 1967 Protocol thereto[18] in their respective fields of applicability;

(p) To shape and implement all counter-terrorism measures in accordance with the principles of gender equality and non-discrimination;

7. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms of the Human Rights Council and to the relevant comments and views of United Nations human rights treaty bodies;

8. *Acknowledges* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance in its resolution 61/177 of 20 December 2006, and recognizes that the entry into force of the Convention and its implementation will be an important step in support of the rule of law in countering terrorism;

9. *Recognizes* the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the Security Council's ongoing efforts in support of these objectives, including by continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

10. *Urges* States, while ensuring full compliance with their international obligations, to ensure the rule of law and include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combating terrorism;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness about the need to respect human rights and the rule of law while countering terrorism;

12. *Takes note* of the report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism[19] and the previous work of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism undertaken according to his mandate, based on Commission on Human Rights resolution 2005/80 of 21 April 2005,[5] and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007[20] and 6/28 of 14 December 2007;[12]

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[15] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[16] Ibid., vol. 1125, Nos. 17512 and 17513.

[17] Ibid., vol. 189, No. 2545.

[18] Ibid., vol. 606, No. 8791.

[19] A/64/186.

[20] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV.

13. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, other relevant special procedures and mechanisms of the Human Rights Council, and relevant treaty bodies, giving due regard to the promotion and protection of human rights and the rule of law in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

14. *Calls upon* States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy,[11] which, inter alia, reaffirms respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism;

15. *Requests* the Counter-Terrorism Implementation Task Force to continue its efforts to ensure that the United Nations can better coordinate and enhance its support to Member States in their efforts to comply with their obligations under international law, including international human rights, refugee and humanitarian law, while countering terrorism;

16. *Encourages* relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance, upon request, consistent with their mandates and as appropriate, related to the prevention and suppression of terrorism to step up their efforts to provide, as an element of technical assistance, the respect of international human rights, refugee and humanitarian law, as well as the rule of law;

17. *Urges* relevant United Nations bodies and entities and international, regional and subregional organizations, including the United Nations Office on Drugs and Crime, within its mandate related to the prevention and suppression of terrorism, to step up their efforts to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support for victims of terrorism in accordance with relevant national legislation;

18. *Calls upon* international, regional and subregional organizations to strengthen information-sharing, coordination and cooperation in promoting the protection of human rights, fundamental freedoms and the rule of law while countering terrorism;

19. *Requests* the Special Rapporteur to make recommendations within the context of his mandate with regard to preventing, combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism;

20. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals of the Special Rapporteur and providing the information requested, and to give serious consideration to responding favourably to his request

to visit their countries, as well as to cooperate with other relevant procedures and mechanisms of the Human Rights Council regarding the promotion and protection of human rights and fundamental freedoms while countering terrorism;

21. *Welcomes* the work of the United Nations High Commissioner for Human Rights to implement the mandate given to her in 2005, in resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

22. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its sixty-fifth session;

23. *Decides* to consider at its sixty-fifth session the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Draft resolution XV
International Year for People of African Descent

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

Recalling the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Convention on the Rights of the Child,[5] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[6] the Convention on the Rights of Persons with Disabilities[7] and other relevant international human rights instruments,

Recalling the relevant provisions of the outcomes of all major United Nations conferences and summits, in particular the Vienna Declaration and Programme of Action[8] and the Durban Declaration and Programme of Action,[9]

Recalling also its resolutions 62/122 of 17 December 2007, 63/5 of 20 October 2008 and 64/15 of 16 November 2009 on the permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade,

1. *Proclaims* the year beginning on 1 January 2011 the International Year for People of African Descent, with a view to strengthening national actions and regional and international cooperation for the benefit of people of African descent in relation to their full enjoyment of economic, cultural, social, civil and political rights, their participation and integration in all political, economic, social and cultural aspects of society, and the promotion of a greater knowledge of and respect for their diverse heritage and culture;

2. *Encourages* Member States, the specialized agencies of the United Nations system, within their respective mandates and existing resources, and civil society to make preparations for and identify possible initiatives that can contribute to the success of the Year;

3. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report containing a draft programme of activities for the Year, taking into account the views and recommendations of Member States, the United Nations High Commissioner for Human Rights, the Committee on the Elimination of Racial Discrimination, the Working Group of Experts on People of African Descent and other relevant United Nations agencies, funds and programmes, as appropriate.

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 660, No. 9464.
[4] Ibid., vol. 1249, No. 20378.
[5] Ibid., vol. 1577, No. 27531.
[6] Ibid., vol. 2220, No. 39481.
[7] Resolution 61/106, annex.
[8] A/CONF.157/24 (Part I), chap. III.
[9] See A/CONF.189/12 and Corr.1, chap. I.

Draft resolution XVI
Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions on this subject, the most recent of which was resolution 63/179 of 18 December 2008, Human Rights Council resolution 12/22 of 2 October 2009[1] and previous resolutions of the Council and the Commission on Human Rights,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General[2] submitted pursuant to General Assembly resolution 63/179 of 18 December 2008 and the reports of the Secretary-General on the implementation of Assembly resolutions 52/120 of 12 December 1997[3] and 55/110 of 4 December 2000,[4]

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as an integral part of all human rights,

Recalling the final document of the Fifteenth Summit Conference of the Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, in July 2009[5] and those adopted at previous summits and conferences, in which States members of the Movement agreed to oppose and condemn those measures or laws and their continued application, persevere with efforts to effectively reverse them and urge other States to do likewise, as called for by the General Assembly and other United Nations organs, and request States applying those measures or laws to revoke them fully and immediately,

Recalling also that at the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, States were called upon to refrain from any unilateral measure not in accordance with international law and the Charter that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6] and also severely threatens the freedom of trade,

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development adopted by the World Summit for Social

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[1] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53A* (A/64/53/Add.1).

[2] A/64/219.

[3] A/53/293 and Add.1.

[4] A/56/207 and Add.1.

[5] A/63/965-S/2009/514, annex.

[6] See A/CONF.157/24 (Part I), chap. III.

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Development on 12 March 1995,[7] the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

Expressing concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly, the Human Rights Council, the Commission on Human Rights and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Reaffirming that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,[10]

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights[11] and the International Covenant on Economic, Social and Cultural Rights,[11] which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Human Rights Council, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

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[7] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

[10] Resolution 41/128, annex.

[11] See resolution 2200 A (XXI), annex.

1. *Urges* all States to cease adopting or implementing any unilateral measures not in accordance with international law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[12] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Also urges* all States not to adopt any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for his or her health and well-being and his or her right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all Member States neither to recognize those measures nor to apply them, as well as to take administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

4. *Condemns* the continuing unilateral application and enforcement by certain Powers of unilateral coercive measures, and rejects those measures with all their extraterritorial effects as being tools for political or economic pressure against any country, in particular against developing countries, adopted with a view to preventing those countries from exercising their right to decide, of their own free will, their own political, economic and social systems, and because of the negative effects of those measures on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

6. *Calls upon* Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

7. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

8. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, and the relevant principles and

[12] Resolution 217 A (III).

provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the Assembly in its resolution 3281 (XXIX), in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

9. *Rejects* all attempts to introduce unilateral coercive measures, and urges the Human Rights Council to take fully into account the negative impact of those measures, including through the enactment of national laws and their extraterritorial application which are not in conformity with international law, in its task concerning the implementation of the right to development;

10. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

11. *Underlines* that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development,[10] and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Working Group on the Right to Development;

12. *Recognizes* that, in the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva from 10 to 12 December 2003,[13] States were strongly urged to avoid and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations in building the information society;

13. *Supports* the invitation of the Human Rights Council to all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

14. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its sixty-fifth session, while reiterating once again the need to highlight the practical and preventive measures in this respect;

15. *Decides* to examine the question on a priority basis at its sixty-fifth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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[13] A/C.2/59/3, annex, chap. I, sect. A.

Draft resolution XVII
Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and of its resolution 63/180 of 18 December 2008, Human Rights Council resolution 10/6 of 26 March 2009[3] and the resolutions of the Commission on Human Rights on the enhancement of international cooperation in the field of human rights,

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001 and its Review Conference, held at Geneva from 20 to 24 April 2009, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Calls upon* Member States, the specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Requests* the Secretary-General, in collaboration with the United Nations High Commissioner for Human Rights, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council;

11. *Decides* to continue its consideration of the question at its sixty-fifth session.

Draft resolution XVIII
The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom and, to that end, to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling the Universal Declaration of Human Rights,[1] as well as the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2]

Recalling also the outcomes of all the major United Nations conferences and summits in the economic and social fields,

Recalling further that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[4]

Deeply concerned that the majority of indigenous peoples in the world live in conditions of poverty, and recognizing the critical need to address the negative impact of poverty and inequity on indigenous peoples by ensuring their full and effective inclusion in development and poverty eradication programmes,

Reaffirming the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

Expressing deep concern over the lack of progress in the trade negotiations of the World Trade Organization, and reaffirming the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

[4] See resolution 55/2.

Recalling the outcome of the twelfth session of the United Nations Conference on Trade and Development, held in Accra from 20 to 25 April 2008, on the theme "Addressing the opportunities and challenges of globalization for development",[5]

Recalling also all its previous resolutions, Human Rights Council resolution 12/23 of 2 October 2009,[6] previous resolutions of the Council and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998[7] on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Welcoming the outcome of the tenth session of the Working Group on the Right to Development of the Human Rights Council, held in Geneva from 22 to 26 June 2009, as contained in the report of the Working Group[8] and as referred to in the report of the Secretary-General on the right to development,[9]

Recalling the Fifteenth Summit Conference of the Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, in July 2009 and the previous summits and conferences at which the States members of the Movement stressed the need to operationalize the right to development as a priority,

Reiterating its continuing support for the New Partnership for Africa's Development[10] as a development framework for Africa,

Deeply concerned by the negative impacts of the global economic and financial crises on the realization of the right to development,

Recognizing that poverty is an affront to human dignity,

Recognizing also that extreme poverty and hunger are the greatest global threat that requires the collective commitment of the international community for its eradication, pursuant to Millennium Development Goal 1, and therefore calling upon the international community, including the Human Rights Council, to contribute towards achieving that goal,

Recognizing further that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Development Goal of halving,

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[5] See TD/442 and Corr.1.

[6] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53 A* (A/64/53/Add.1).

[7] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[8] A/HRC/12/28.

[9] A/64/256.

[10] A/57/304, annex.

by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

1. *Endorses* the conclusions and recommendations adopted by consensus by the Working Group on the Right to Development of the Human Rights Council at its tenth session,[8] and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors;

2. *Supports* the realization of the mandate of the Working Group, as renewed by the Human Rights Council in its resolution 9/3 of 24 September 2008,[11] with the recognition that the Working Group will convene annual sessions of five working days and submit its reports to the Council;

3. *Also supports* the realization of the mandate of the high-level task force on the implementation of the right to development established within the framework of the Working Group, as renewed by the Human Rights Council in its resolution 9/3,[11] with the further recognition that the task force will convene annual sessions of seven working days and submit its reports to the Working Group;

4. *Emphasizes* the relevant provisions of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council, and in this regard calls upon the Council to implement the agreement to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals, and also in this regard to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action,[3] to the same level as and on a par with all other human rights and fundamental freedoms;

5. *Notes with appreciation* that the high-level task force, at its second meeting, examined Millennium Development Goal 8, on developing a global partnership for development, and suggested criteria for a periodic evaluation with the aim of improving the effectiveness of global partnership with regard to the realization of the right to development;[12]

6. *Endorses* the recommendations of the Working Group, as outlined in paragraphs 44 to 46 of its report,[8] which would ensure that the right to development criteria and corresponding operational subcriteria, to be submitted by the task force to the Working Group at its eleventh session in 2010, together with suggestions for further work, address, in a comprehensive and coherent manner, the essential features of the right to development, as defined in the Declaration on the Right to Development, including the priority concerns of the international community beyond those enumerated in Millennium Development Goal 8;

7. *Stresses* that the above-mentioned criteria and corresponding operational subcriteria, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

8. *Emphasizes* the importance, upon completion of the three phases of the 2008-2010 workplan of the high-level task force on the implementation of the right

[11] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53A* (A/63/53/Add.1), chap. I.

[12] See E/CN.4/2005/WG.18/TF/3.

to development endorsed by the Council in its resolution 9/3, of the Working Group taking appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including the elaboration of guidelines on the implementation of the right to development, and which could evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement;

9. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session,[13] congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

10. *Also stresses* that it is important that the high-level task force and the Working Group, in the discharge of their mandates, take into account the need:

(a) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

(b) To also promote effective partnerships such as the New Partnership for Africa's Development[10] and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Millennium Development Goals;

(c) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of fundamental human rights, and also urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level and a favourable economic environment at the international level;

(d) To consider ways and means to continue to ensure the operationalization of the right to development as a priority;

(e) To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, programmes and funds, as well as in the policies and strategies of the international financial and multilateral trading systems, bearing in mind in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising from political or other non-economic considerations in addressing the issues of concern to the developing countries;

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[13] See E/CN.4/2002/28/Rev.1, sect. VIII.A.

11. *Encourages* the Human Rights Council to consider how to ensure follow-up to the ongoing work of the former Subcommission on the Promotion and Protection of Human Rights on the right to development, in accordance with the relevant provisions of the resolutions adopted by the General Assembly and the Commission on Human Rights and in compliance with decisions to be taken by the Human Rights Council;

12. *Invites* Member States and all other stakeholders to participate actively in future sessions of the Social Forum, while recognizing the strong support extended to the Forum at its previous four sessions by the Subcommission on the Promotion and Protection of Human Rights;

13. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

14. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

15. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

16. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with each other to that end;

17. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

18. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon States to institute the measures required for the implementation of the right to development as an integral part of fundamental human rights;

19. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

20. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

21. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that most of the developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

22. *Expresses its deep concern* in this regard at the negative impact on the realization of the right to development owing to the further aggravation of the economic and social situation, in particular of developing countries, as a result of the ongoing international energy, food and financial crises as well as global climate change;

23. *Underlines* the fact that the international community is far from meeting the target set in the United Nations Millennium Declaration[4] of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

24. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross domestic product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross domestic product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help meet development goals and targets;

25. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

26. *Calls for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation in the World Trade Organization; the implementation of commitments on implementation-related issues and concerns; a review of special and differential treatment provisions, with a view to strengthening them and making them more precise, effective and operational; the avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

27. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development; stresses, in this regard, the need for good governance and broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as to strengthen the United Nations system and other multilateral institutions; and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

28. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and

appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

29. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

30. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

31. *Welcomes* the Political Declaration on HIV/AIDS adopted at the high-level meeting of the General Assembly on 2 June 2006,[14] stresses that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

32. *Recalls* the Convention on the Rights of Persons with Disabilities,[15] which entered into force on 3 May 2008, and stresses the need to take into consideration the rights of persons with disabilities and the importance of international cooperation in the realization of the right to development;

33. *Stresses its commitment* to indigenous peoples in the process of the realization of the right to development, and reaffirms the commitment to promote their rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, in accordance with recognized international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007;

34. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

35. *Emphasizes* the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, consistent with the principles of the United Nations Convention against Corruption,[16] particularly chapter V thereof, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention as soon as possible and States parties to implement it effectively;

36. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including by ensuring effective use of the

[14] Resolution 60/262, annex.

[15] Resolution 61/106, annex I.

[16] United Nations, *Treaty Series*, vol. 2349, No. 42146.

financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

37. *Reaffirms* the request to the United Nations High Commissioner for Human Rights, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in her next report to the Human Rights Council;

38. *Calls upon* the United Nations funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

39. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

40. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-fifth session and an interim report to the Human Rights Council on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the Chairperson of the Working Group on the Right to Development to present a verbal update to the Assembly at its sixty-fifth session.

Draft resolution XIX
Promotion of equitable geographical distribution in the membership of the human rights treaty bodies

The General Assembly,

Recalling its previous resolutions on this question,

Reaffirming the importance of the goal of universal ratification of the United Nations human rights instruments,

Welcoming the significant increase in the number of ratifications of United Nations human rights instruments, which has especially contributed to their universality,

Reiterating the importance of the effective functioning of treaty bodies established pursuant to United Nations human rights instruments for the full and effective implementation of those instruments,

Recalling that, with regard to the election of the members of the human rights treaty bodies, the General Assembly as well as the former Commission on Human Rights recognized the importance of giving consideration in their membership to equitable geographical distribution, gender balance and representation of the principal legal systems and of bearing in mind that the members shall be elected and shall serve in their personal capacity, and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights,

Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems,

Recognizing that the United Nations pursues multilingualism as a means of promoting, protecting and preserving diversity of languages and cultures globally and that genuine multilingualism promotes unity in diversity and international understanding,

Recalling that the General Assembly as well as the former Commission on Human Rights encouraged States parties to United Nations human rights treaties, individually and through meetings of States parties, to consider how to give better effect, inter alia, to the principle of equitable geographical distribution in the membership of treaty bodies,

Expressing concern at the regional imbalance in the current composition of the membership of some of the human rights treaty bodies,

Noting in particular that the status quo tends to be detrimental to the election of experts from some regional groups, in particular African, Asian, Latin American and Caribbean, and Eastern European groups,

Convinced that the goal of equitable geographical distribution in the membership of human rights treaty bodies is perfectly compatible and can be fully realized and achieved in harmony with the need to ensure gender balance and the representation of the principal legal systems in those bodies and the high moral character, acknowledged impartiality and recognized competence in the field of human rights of their members,

1. *Reiterates* that States parties should take into account, in their nomination of members to the human rights treaty bodies, that these committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience, and to equal representation of women and men, and that members serve in their personal capacity, and also reiterates that, in the elections to the human rights treaty bodies, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

2. *Encourages* the States parties to the United Nations human rights instruments to consider and adopt concrete actions, inter alia, the possible establishment of quota distribution systems by geographical region for the election of the members of the treaty bodies, thereby ensuring the paramount objective of equitable geographical distribution in the membership of those human rights bodies;

3. *Urges* the States parties to the United Nations human rights instruments, including the bureau members, to include this matter in the agenda of each meeting and/or Conference of States Parties to those instruments in order to initiate a debate on ways and means to ensure equitable geographical distribution in the membership of the human rights treaty bodies, based on previous recommendations of the Commission on Human Rights and the Economic and Social Council and the provisions of the present resolution;

4. *Recommends*, when considering the possible establishment of a quota by region for the election of the membership of each treaty body, the introduction of flexible procedures that encompass the following criteria:

(a) Each of the five regional groups established by the General Assembly must be assigned a quota of the membership of each treaty body in equivalent proportion to the number of States parties to the instrument that it represents;

(b) There must be provision for periodic revisions that reflect the relative changes in the geographical distribution of States parties;

(c) Automatic periodic revisions should be envisaged in order to avoid amending the text of the instrument when the quotas are revised;

5. *Stresses* that the process needed to achieve the goal of equitable geographical distribution in the membership of human rights treaty bodies can contribute to raising awareness of the importance of gender balance, the representation of the principal legal systems and the principle that the members of the treaty bodies shall be elected and shall serve in their personal capacity, and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights;

6. *Requests* the chairpersons of the human rights treaty bodies to consider at their next meeting the content of the present resolution and to submit, through the United Nations High Commissioner for Human Rights, specific recommendations for the achievement of the goal of equitable geographical distribution in the membership of the human rights treaty bodies;

7. *Requests* the High Commissioner to submit concrete recommendations on the implementation of the present resolution to the General Assembly at its sixty-sixth session;

8. *Decides* to continue its consideration of the question at its sixty-sixth session under the item entitled "Promotion and protection of human rights".

Draft resolution XX
Human rights and cultural diversity

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] as well as other pertinent human rights instruments,

Recalling also its resolutions 54/160 of 17 December 1999, 55/91 of 4 December 2000, 57/204 of 18 December 2002, 58/167 of 22 December 2003, 60/167 of 16 December 2005 and 62/155 of 18 December 2007, and recalling further its resolutions 54/113 of 10 December 1999, 55/23 of 13 November 2000 and 60/4 of 20 October 2005 concerning the United Nations Year of Dialogue among Civilizations,

Noting that numerous instruments within the United Nations system promote cultural diversity, as well as the conservation and development of culture, in particular the Declaration of the Principles of International Culture Cooperation proclaimed on 4 November 1966 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its fourteenth session,[3]

Taking note of the report of the Secretary-General,[4]

Recalling that, as stated in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to its resolution 2625 (XXV) of 24 October 1970, States have the duty to cooperate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance,

Welcoming the adoption of the Global Agenda for Dialogue among Civilizations by its resolution 56/6 of 9 November 2001,

Welcoming also the contribution of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, to the promotion of respect for cultural diversity,

Welcoming further the Universal Declaration on Cultural Diversity of the United Nations Educational, Scientific and Cultural Organization,[5] together with its Action Plan,[6] adopted on 2 November 2001 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-first

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Fourteenth Session, Paris, 1966, Resolutions*.

[4] A/64/160.

[5] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1 and corrigendum: *Resolutions*, chap. V, resolution 25, annex I.

[6] Ibid., annex II.

session, in which member States invited the United Nations system and other intergovernmental and non-governmental organizations concerned to cooperate with the United Nations Educational, Scientific and Cultural Organization in the promotion of the principles set forth in the Declaration and its Action Plan with a view to enhancing the synergy of actions in favour of cultural diversity,

Taking note of the Ministerial Meeting on Human Rights and Cultural Diversity of the Movement of Non-Aligned Countries, held in Tehran on 3 and 4 September 2007,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Taking into account that a culture of peace actively fosters non-violence and respect for human rights and strengthens solidarity among peoples and nations and dialogue between cultures,

Recognizing that all cultures and civilizations share a common set of universal values,

Recognizing also that the promotion of the rights of indigenous people and their cultures and traditions will contribute to the respect for and observance of cultural diversity among all peoples and nations,

Considering that tolerance of cultural, ethnic, religious and linguistic diversities, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards different cultures and religions generate hatred and violence among peoples and nations throughout the world,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity, and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind,

Convinced that the promotion of cultural pluralism and tolerance towards and dialogue among various cultures and civilizations would contribute to the efforts of all peoples and nations to enrich their cultures and traditions by engaging in a mutually beneficial exchange of knowledge and intellectual, moral and material achievements,

Acknowledging the diversity of the world, recognizing that all cultures and civilizations contribute to the enrichment of humankind, acknowledging the importance of respect and understanding for religious and cultural diversity throughout the world, and, in order to promote international peace and security,

committing itself to advancing human welfare, freedom and progress everywhere, as well as to encouraging tolerance, respect, dialogue and cooperation among different cultures, civilizations and peoples,

1. *Affirms* the importance for all peoples and nations to hold, develop and preserve their cultural heritage and traditions in a national and international atmosphere of peace, tolerance and mutual respect;

2. *Welcomes* the adoption on 8 September 2000 of the United Nations Millennium Declaration,[7] in which Member States consider, inter alia, that tolerance is one of the fundamental values essential to international relations in the twenty-first century and that it should include the active promotion of a culture of peace and dialogue among civilizations, with human beings respecting one another in all their diversity of belief, culture and language, neither fearing nor repressing differences within and between societies but cherishing them as a precious asset of humanity;

3. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

4. *Affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

5. *Expresses its determination* to prevent and mitigate cultural homogenization in the context of globalization, through increased intercultural exchange guided by the promotion and protection of cultural diversity;

6. *Affirms* that intercultural dialogue essentially enriches the common understanding of human rights and that the benefits to be derived from the encouragement and development of international contacts and cooperation in the cultural fields are important;

7. *Welcomes* the recognition at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of the necessity of respecting and maximizing the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and among communities and nations, in particular through public information and educational programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes in which the public authorities work in partnership with international and non-governmental organizations and other sectors of civil society;

8. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of universally accepted human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

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[7] See resolution 55/2.

9. *Emphasizes* that the promotion of cultural pluralism and tolerance at the national, regional and international levels is important for enhancing respect for cultural rights and cultural diversity;

10. *Also emphasizes* that tolerance and respect for diversity facilitate the universal promotion and protection of human rights, including gender equality and the enjoyment of all human rights by all, and underlines the fact that tolerance and respect for cultural diversity and the universal promotion and protection of human rights are mutually supportive;

11. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

12. *Urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization and exclusion of, and discrimination against, specific sectors of society;

13. *Calls upon* States, international organizations and United Nations agencies, and invites civil society, including non-governmental organizations, to recognize and promote respect for cultural diversity for the purpose of advancing the objectives of peace, development and universally accepted human rights;

14. *Stresses* the necessity of freely using the media and new information and communications technologies to create the conditions for a renewed dialogue among cultures and civilizations;

15. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to bear in mind fully the issues raised in the present resolution in the course of its activities for the promotion and protection of human rights;

16. *Requests* the Office of the High Commissioner and invites the United Nations Educational, Scientific and Cultural Organization to support initiatives aimed at promoting intercultural dialogue on human rights;

17. *Urges* relevant international organizations to conduct studies on how the respect for cultural diversity contributes to fostering international solidarity and cooperation among all nations;

18. *Requests* the Secretary-General, in the light of the present resolution, to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, as well as the considerations in the present resolution regarding the recognition and importance of cultural diversity among all peoples and nations in the world, and to submit the report to the General Assembly at its sixty-sixth session;

19. *Decides* to continue consideration of the question at its sixty-sixth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".